A

# LETTER

TO A

# MINISTER OF STATE,

RESPECTING

# TAXES

ON

# KNOWLEDGE.

*Second Edition—with a Postcript and Appendices.*

FOR SALE.

J. Innes, Printer, 61, Wells-street, Oxford-street, London.

*London, 29th January*, 1831.

DEAR SIR,

I UNDERSTAND that ministers contemplate a reduction of the stamp duty on newspapers. My purpose in addressing you is, the abolition, altogether, of the stamp duty on newspapers; and I assure you, I would not trouble you as I am about to do, were I not satisfied that the case I have to lay before you is a very strong one, and well deserving the best attention of those persons, in whose power it is effectually to promote the measures I have to propose.

There are two leading important circumstances to be considered:—

1. The moral and political consequences of abolishing the duty.

2. The consequences as they may affect the revenue.

Although the second is by far the least important of the two; yet I shall shew that the amount of revenue arising from the stamp on newspapers may be doubled, perhaps quadrupled, by an arrangement to charge postage, which will please almost every body, injure none, and be obnoxious to a very small number of persons.

The first is of most importance, since, in our times, and under present circumstances, the greatest of all curses is the curse of ignorance, and the greatest of all evils, those which result from want of knowledge.

I am sure that I do not in the least exaggerate when I say, that had there been no stamps on newspapers, no obstruction to the free use of the press, there would have been no riotous assemblages of husbandry labourers, no destruction of agricultural and other machines, no burnings, no expensive law proceedings, no trials, no transportations, no hangings, and consequently none of the terrible evils which ignorance and the administration of the law have occasioned. I however consider these evils as only the forerunners of others, of a much more serious nature than any which have occurred since the civil wars in the reign of Charles the First; and I am satisfied that the consequences likely to result therefrom, will, as they occur, compel every man to come to the same conclusion. I am by no means sanguine that any measures which can now be adopted will prevent a revolution; but of this I am certain, that every man who has property to lose, is bound to do all he can to avert it; and sure I am that if it can be averted, a free press must be one of his main instruments.

It is worse than useless to endeavour to disguise from ourselves, that the crimes of the husbandry labourers (the consequences of

their ignorance) are attributable to the rich, vice and their misery too. We wanted nothing but an unshackled press to drive ignorance from the land: this the rich and powerful would not let us have; this I still fear they will not now let us have; but if they will not, the consequences will fall heavily on their own heads. Had there been an unshackled press, knowledge would have been spread in so many ways, and in so many directions, — so numerous would have been the schools, the reading clubs, the local libraries, — so multifarious the cheap publications, so accurate the knowledge, and so extensively would it have been spread, that no one of the terrible evils we deplore would have been inflicted on the community, neither would the sad prospect we are compelled to contemplate have been presented to our view. With the useful knowledge so many of us have acquired, with the desire we have to communicate it, with the active energy we possess, we wanted only an unshackled press: let us have it, and ignorance will not long remain in any part of the country. The statutes against knowledge have done nothing but *mischief*: by preventing the increase of knowledge they have prevented the decrease of crimes; these, with the expense of prosecutions, and other concomitant expenses which ignorance alone has occasioned, must on the whole have exceeded the amount of the sum drawn from the stamp duty on newspapers; and this alone ought to be sufficient to induce an enlightened statesman to take off the stamp duty. The consequences of ignorance are poverty, crime, and misery — all these must go together. In such a state of society as ours, ignorance is necessarily the pre-eminent cause of a multitude of crimes, and it is therefore the first of duties to remove it.

I do not mean to insinuate that crimes will cease, or that misery will no longer exist, when the people shall have been better informed than they now are; but I do mean to insist that both will decrease; and I am warranted in this assertion, by the experience I have had, the evidence from which will justify me in assuming, that they will diminish as the people obtain knowledge, an extent which few are as yet prepared to believe possible, much less probable.

When the ignorance of *all* the working classes was as great as that of the husbandry labourers is now, and when they who were at all well-informed amongst the whole body were fewer than are now to be found even amongst the husbandry labourers only, when no portion of the working population had the example of a better-informed portion of working people before them, as the husbandry labourers now have in the manufacturing people and in the working tradesmen and mechanics, government was safe in respect to the brutal population, which commanded no respect, and excited no fear, beyond that which an occasional riot of no general importance produced.

Then the perpetuation of ignorance was the perpetuation of power, of power not only in the hands of those who governed, but of every rich man over his domestics and his neighbours; a power acknowledged, respected, or feared by all. But when a change commenced, and knowledge began to be spread abroad, Government, as well as the great men of the earth, should have anticipated the consequences which leaving the husbandry labourer in ignorance was likely to produce, and should have taken care that they were instructed. Had Mr. Brougham's bill passed into a law, and had the press been unshackled, the country people would by this time have been in a very different state to that in which they now are, and we should have seen none of the evils we now daily witness. But even at that time Government and the Great were themselves too ignorant to foresee consequences: and it is not too much to say, that they were miserably ignorant, and so blinded by their pride and the foolish desire to perpetuate their importance in the old way, that they could not themselves be taught. The very attempt to teach them was spurned at; and they who by any means endeavoured either to draw their attention to the necessity of a change, or to point out the consequences of their conduct, were treated with contempt; whilst they who busied themselves in teaching the people, were looked at with evil eyes, and talked of as persons whose purpose was mischief, and all sorts of means were resorted to, to counteract their proceedings. It is well known that the establishment of Lancasterian schools was opposed by the rich, and especially by the clergy; and that wherever it was found impossible wholly to suppress them, means the most disgraceful were used to prevent their increase; and these, it is lamentable to say, were but too often successful. The most effectual was the hypocritical pretence of a willingness to teach the people by the establishment of national schools. In many places where a Lancasterian school was set up, a subscription for a national school was opened; and in places where the subscription was unequal to support two, and was yet divided between two, the Lancasterian school was generally ruined, and no school remained. In other places no sooner was a subscription opened for a Lancasterian school, than another was commenced for a national school, and the consequence was, that money sufficient to establish a Lancasterian school was not collected, and no school of any sort was established. In some large towns, however, and in these places to prevent the dissenters wholly taking the teaching of the people into their own hands, national schools were established, and by means of the two, aided by the Sunday schools, and of the desire for information they excited, knowledge was imparted to a great number of persons, the excellent and inestimable result of which was, that even with the small share of school learning thus acquired, they,

as they grew up, became examples to others, and are the best evidence of the value of education if it were to become general. Look at the difference between the manufacturing and husbandry population, mark the conduct of the two classes, and you will be convinced that the difference is as great as it can possibly be, between two classes of persons so nearly alike, as far as respects the means they have of earning a living in any country, at the same period. —[See Appendix, &c.]—Look at the difference between the manufacturers now, and the manufacturers only twenty-five years ago, and you will find it scarcely less, than that between the manufacturers and the husbandry labourers now. Had there been an unshackled press, had the Great Men and the Clergy done their duty towards the common people, had they aided the projectors of Lancasterian schools instead of obstructing them, the husbandry labourers would at the least have been as well informed as the manufacturers are; and the manufacturers would have been much better informed than they are. The husbandry labourers would not have entertained the general and deep-rooted hatred they now entertain for all around them, and none of the mischief now so rife would have taken place.

The most marked and perfect evidence of the good consequences of even the small portion of knowledge imparted to the manufacturing population is before us. More than a month ago, the owners of FIFTY-TWO cotton spinning-mills attempted to reduce the wages of their work-people; and on the people refusing to take lower wages, they shut up their mills, and thus deprived 60,000 men, women, and children, of the wages on which they lived. This was done at the coldest season of the year; done too at a time when fires were blazing on the farms in many counties; and yet, notwithstanding the extraordinary state of excitement, which many circumstances had tended to produce all over the country, no act of outrage was committed, no attempt was made or has since been made, to destroy either the machinery or any other property of any man. Twenty-five years ago, had such circumstances occurred, not a mill would have been left standing. This proceeding of the masters against the work-people was extremely to be regretted, for it was done at a time of such feverish excitement, that nothing short of immediate outrage could have been expected, and that mischief was anticipated from this strike of the masters is well known: but mark, I pray you, the conduct of these poor oppressed persons; —what did they do? They met in the open air, and were addressed by some of themselves, who advised them to observe a strict conformity to the law. They deprecated any destruction of property, and requested them to be particularly careful that their demeanour should be peaceable. And what has been the result? this—that excepting a trifling disturbance by some unruly boys, the peace has not been broken, no outrage has been committed,

no machines have been destroyed, no property has been injured.* What is it which has prevented the most extensive mischief? what but knowledge?—What but the very thing, so terribly, not to say so horridly, alarming to the great, the rich, and the clergy? what but the deprecated, the ill-boded acquisition of knowledge by the working people? nothing else: and no reasonable man can doubt, that similar causes if brought into action on the husbandry labourers would produce similar effects. The rich and great must either assist to teach the people or they must fight them, and the ultimate consequences of fighting them need not be stated.

The constant practice of Government for the accomplishment of its purposes, in respect to the common people, has been twofold; namely,

1. The perpetuation of their ignorance.
2. Coercion.

It was as commonly as absurdly believed, that unless the people were poor and ignorant, soldiers and sailors would not be found: and with this false notion every one above the degree of a common labourer concurred. It is not therefore surprising that our great statute-book should not contain a single statute in favour of the common people, whilst it has contained hundreds against them. Scarcely in any instance has the law recognized them as creatures capable of reasoning. It is not perhaps desirable that many or any statutes should be made in their favour; it would probably be sufficient, that none were made to oppress them. Coercion has all along been tried; and however it may have answered the purpose in former times, it cannot any longer keep the common people in the state which they who would oppress them desire; and its exercise *must* be abandoned, or they will right themselves with a vengeance. If the rich and great are not utterly besotted, they will as speedily as possible adopt a different mode of proceeding.

One very important change for the better was produced by the repeal of all the laws, the shamefully-cruel and unjust laws, against combinations of workmen to raise their wages, or regulate their hours of working. These barbarous laws were repealed, partly in consequence of a conviction entertained by Mr. Huskisson, and one or two of his colleagues, of their inefficiency and unfitness for the state of society to which we had attained; and this his "charity covereth a multitude of sins" committed by him against the people; and I do most fervently hope, that you and your colleagues will follow his example, by wholly remitting the stamp duty from newspapers; a matter of

* The people have since this was written gone to work again at reduced wages.

all but infinitely more consequence than the repeal of the laws against combinations of workmen, highly important as that measure was.

Before the laws against combinations of workmen were repealed, both masters and men believed, that they were the means by which wages were kept down, and each regarded the other as bitter enemies. The Workman saw in his Employer a cruel, savage task-master, who, by the aid of unjust laws, cheated him of the reward due to him for his labour; the master saw in his journeyman an unconscionable rogue, who, but for the law, would rob him of all his profit. Plainly erroneous as these notions were to some thinking men, it was only at the end of twenty years' discussion, and of unremitted efforts made during the six preceding years, that a committee of the House of Commons, on the motion of Mr. Hume, was obtained, and in which, by his indefatigable exertions, the inquiry was made which led to their repeal.

As soon as they were repealed, the workmen generally expected a rise of wages, and attempts on an extensive scale were made to obtain higher wages: these attempts failed, and the workmen as well as the masters, with some exceptions, were convinced that the real amount of wages did not depend on the laws which had been repealed. This prejudice removed, the masters and men came into closer contact than formerly. They now met and discussed their interests each in their own way, the men were now talked to as they never before had been, and their attention was drawn to matters, to them of great importance, to which, until the laws were repealed, they would not attend. The violent destruction of power looms in 1826, led to long and useful discussions in the local newspapers, in various meetings of workmen, which could not have been held whilst the unjust laws were in existence, and to many useful conversations between the leaders of the working people, and others of different ranks, between whom there could have been no intercourse, had the barbarous laws remained in the statute book. And now pray do mark the consequence. Early in the last year an association was formed of delegates, sent from various places in the North of England and the South of Scotland, by whom it was agreed, that such of the working people as pleased should form societies in as many places as possible, and that the whole body should be called "The National Association for the Protection of Trade." This association has been objected to by some whose fears are easily excited by combinations of this description. No harm in any way can be produced by this association, much good will certainly result from it. Men cannot receive information half so readily, when isolated, as they can when associated; discussion must lead to information, and more especially now, when so many amongst the working people are comparatively

well-informed, and able and willing to communicate useful knowledge to their associates.

A committee, appointed to conduct the affairs of the association, published a tract called "*The United Trades' Co-operative Journal;*" it appeared once a week, and was sold at as low a price as the number purchased would permit. On this tract, the commissioners of stamps laid their deadly paws. They informed the publisher that if he continued the publication without putting a fourpenny stamp upon it, he would be prosecuted. This at once extinguished the pamphlet; but the penny-a-week subscription, which had for some time been carried on, was now more strenuously urged for the purpose of establishing a newspaper, and so rapidly did it increase, and so widely did it spread, that upwards of £.3000 were soon collected, and on the first day of the present year the paper appeared under the title of the "*Voice of the People:*" it is wholly got up by working men, and is particularly well conducted. Several circumstances of considerable importance are connected with these proceedings. Had not the pamphlet been put down, it would in time have been read by many thousands of workpeople, who will never see the newspaper, which will not therefore be the one hundredth part so useful as the pamphlet would have been. By means of this cheap tract, the errors which the workpeople still cherish, would have been gradually exposed, reasoned on, and removed in a much shorter time than they can be by any other means. Putting down the tract is considered a wanton and oppressive act of power, directed against the poorer class of workmen who cannot afford to purchase the paper; and so it is. But the most important and most remarkable circumstance is, that in "An Address to the Workmen of the United Kingdom," urging them to subscribe their pence to establish the newspaper, in which every thing likely to operate on them is urged, not one word is said against machinery, and yet only four years ago, complaints against machinery were relied upon as by far the most likely to influence the very same persons, and so they would still have been, but for the discussions in the newspapers, the meetings, and the private conversations: these satisfied the leaders, and produced effects upon others to such an extent, as to warrant the leaders in refraining from deprecating the use of machinery in their address. Had there been an unshackled press, there would now be very few working men, or even husbandry labourers, who would not have understood the principles which relate to machinery and wages, and not an ordinarily honest man amongst them who would not be ready to acknowledge that machinery instead of being an evil was a positive good.

Unfortunately, none of the circumstances which have been made to act so beneficially on the manufacturing workmen, could be brought into operation on the husbandry labourers; they had

long since been placed in the state of serfs, who could with difficulty remove from their parishes, and who, if they did remove, were almost certain of being compelled to return to the place of their pauper settlement. They have been interfered with in every possible way, have been more oppressed, more degraded and more controlled, than any other portion of the people, and deprived of all hope that their condition would be mended. They knew well enough, that to meet in bodies, merely to talk to one another, was useless, there were none amongst them capable of addressing them; they were so far conscious of their ignorance, as to understand that meeting without orators would be to meet as a mere mob, and that every attempt to assemble, as other persons assembled, would end in punishment. Nothing, therefore, remained, by which they could draw attention to their circumstances, but acts of violence. They broke machines, and were scoffed at for doing so; they were threatened, but not proceeded against; they saw, that they who had property to protect did not associate for its protection, as every body supposed they would: they took heart, followed the example set them two years ago in Norfolk and Suffolk, and set fire to barns and stacks; they soon discovered that the fear of worse consequences compelled farmers to increase their wages; and fires, and demands for higher wages, spread rapidly into many counties. Care has been taken to let every one know that a pipe of tobacco, and a common match, are all the materials necessary to perpetrate the most extensive mischief; and these will continue to be used until the labourers are better instructed, and by means of their increased intelligence, made to see that their condition is not altogether hopeless, as to some amelioration. I know that it is said, it has been said to me by gentlemen farmers and others, that the labourers are not so badly off as people suppose they are, and as some represent them, but I have the evidence taken by the parliamentary committees before me, and these contain answers to all such assertions. He who cajoles himself thus, or relies on anything as an effectual remedy, without making instruction a main instrument, will certainly be disappointed. The state of things is appalling, the difficulties of ministers are numerous, and singularly great; but here there is nothing worthy of being considered difficult, there needs only resolution.

There is nothing of any consequence to oppose to the proposition, but the apprehension of a falling off of the revenue, and of what is called the licentious press. I will shew presently how the revenue may be increased, at the same time that knowledge is promoted, and this too, with the approbation of every one who is not haunted with the bug-a-boo of unrestricted publications.

First, then, the fear of the press, the cheap press, the two-penny trash. The most atrocious press, which the public would

endure, the most licentious publications (political), which the most cowardly really fear, and the most courtly pretend to fear, never could have produced a tithe of the mischief which ignorance has accomplished within the last three months, even had it admitted of no means of counteraction, and not, as is really the case, contained within itself the means not only of counteraction, but of dispelling falsehood by the propagation of truth, and of leading even the meanest person in the kingdom to understand his own interest too well, and to respect himself and others too much, to commit the monstrous outrages which ignorance now commits. The stamp duties, and other restrictive laws, have confined the actually cheap publications, to two descriptions of persons, namely, religious tract societies, and those who set the laws at defiance.

The first description of persons have distributed millions of tracts from which no good has resulted, and from which no good can result. Their tracts are dogmatical, much more in the style of command than persuasion; even the foolish stories they tell are in such bad taste, that the mean cant is seen through; and so little indeed do the distributors of tracts understand the people, that both the matter and the manner of their publications are calculated to do more mischief than service. Their distribution has not prevented the burnings; and it is questionable whether they may not in some degree have tended to produce them. Cant and command will produce no good effects on the poorer sort of people; they want facts, useful facts, plainly set forth with clear and short expositions; but these, whilst the law remains as it is, they cannot have.

They who would willingly assist to teach the people, will not break the laws; nor in any way subject themselves to the consequences of breaking the laws; and thus it has become impossible for them to teach the people.

I have mentioned the cheap tract which the commissioners of stamps extinguished. I will now advert to another, to shew the evil consequences of the power they possess. A respectable person published a tract weekly, called "The Harlequin." It related solely to the theatres, and was sold for two-pence. Nothing could be so harmless as this tract; but it gave the purchasers "*information*" and "*intelligence*," matters forbidden by the act; and the commissioners of stamps put their interdict upon it, as the number I enclose to you will shew. The commissioners have a power denied to the King, a dispensing power; they may permit or even authorize publications, or they may extinguish them: no one, except parliament, can call them to account for anything of this kind, and even parliament has not the power to controul them without passing a new act for the purpose.

The second description of persons, they who violate the laws,

are, with some exceptions, unprincipled and ill-informed; most of their publications inculcate the grossest errors, and do nothing but mischief; some are intended solely for this purpose. The misfortune is, that multitudes of persons see no other publications; they know that they are published in defiance of the law; they cherish them because they think the law intends to withold useful information from them. They confide in the evil notions they propagate; and as they never see any thing which contradicts the assertions, or explains the erroneous statements contained in these papers, they necessarily receive them as incontrovertible truths. This is a lamentable state of things; yet all the evils I have noticed would be at once mitigated, and at no very distant period removed, if the stamp duty were taken off newspapers.

I have I think exposed evils enough, and pointed out consequences of sufficient importance, to claim your serious consideration. I could add largely to the facts, and could show you the immense advantages of instruction in many places; and more especially in the metropolis, as exhibited to every man's observation who is old enough to remember the state and condition of the housekeepers, the journeymen tradesmen, the labourers, and the servants some thirty or forty years ago. To such persons, the greatly increased decency of conduct, the sobriety, the cleanliness, the reasonableness and civility of all these descriptions of persons, is remarkable; and I claim full credence when I assure you, that the improvement of the working people of London has been so great within my own memory, as scarcely to be credited by those who are not personally acquainted with it, on any but the best evidence.

Do then, I beseech you, urge on your colleagues to propose the total abolition of the stamp duty on Newspapers; and pray do not neglect this the most of all important and pressing of duties, until the standing crops shall have been fired, and the dreadful consequences of the certain convulsion it will produce, are upon us.

I will now show you, how the matter may be arranged, so as to increase the revenue. In the act which repeals the stamp duty, or in a separate act, let it be enacted, that printed papers, not exceeding four or six ounces, shall be permitted to be sent by the general post.

Take a sheet of "*printing-demy*" paper, of ordinary quality, as the rule, and charge a postage of one halfpenny on it to any part of the United Kingdom.—[*See Appendix B.*]—A demy sheet folds into eight leaves, or sixteen pages, and weighs less than an ounce. There would soon be an immense number of newspapers, on demy sheets, at the price of three halfpence: these would be sent by the post, and distributed all over the kingdom for twopence; others would be sold for twopence, and

the present large-sized newspapers, I mean the daily papers, would be sold for twopence-halfpenny. The Morning Chronicle is about the size of two demy-sheets, and would with postage, cost threepence-halfpenny—just half of the present price. The number of persons who would take a paper, which cost them only twopence, would be immense; it is the price a great many now pay for reading by the hour; it is less than the price many pay when two or three subscribe to take in a daily or a weekly paper, and nearly as much as four who thus subscribe for a paper. The number sent by the post would be all but enormous, I mean not only from London, but from one part of the country to another, in every direction, and would, I doubt not, produce more money, as postage, than is received from the present stamp duty. In cases in which the sheet was larger than a demy-sheet, a rate of postage might be settled, by exhibiting the newspaper to the proper person at the post-office, and the postage be settled, once for all, according to the number of square inches the sheet contained. But newspapers would not alone be sent by post: pamphlets, essays, addresses, and other matters on single sheets, or half-sheets, and even on quarter-sheets, in great quantities, would be forwarded through the post-offices. Five sheets of printing demy do not weigh more than four ounces, and an ordinary pamphlet can generally be printed on five or on a smaller number of sheets, and might be sent by the post. At present, from want of conveyance, and the expence of advertising, the sale of pamphlets, and more especially of small pamphlets, is limited to a very narrow circle, and seldom does more than pay expenses. The sale being thus limited, the printed matter is spread over a great many pages to enable the publisher to charge a price which will cover expences; but a man who prints a pamphlet wishes it to be read, and if it could be forwarded by the post at a cheap rate, the sale in many places would be more than quadrupled; pamphlets would be printed on thin paper, the matter would be contained in much less space, and they would be sold at the most distant places for less than half, and in many cases for one-third of their present price. Paper-making, printing, and every sort of employment relating thereto, would be greatly increased, and this, just now, would itself be of some importance.

Newspapers, pamphlets, tracts, almanacks, essays of all sorts, poems, plays, prospectuses, and indeed almost every description of literature, would be sent by the post. I need not enumerate all the various productions; you, like every other person familiar with literary matters to whom I have mentioned the subject, will at once be able to conceive the importance of this arrangement.

I beg you to observe that every piece of printed paper, not exceeding the size of a demy sheet, would pay one halfpenny postage; and that newspapers as large as the Morning Chro-

nicle would pay a penny, and that six small and three large papers would be equal to the present net amount of the stamp on a newspaper; and I think I do not exaggerate when I estimate the number of sheets which would be sent by the post from all parts of the United Kingdom at fifty times the number of stamps issued for newspapers. Let us however take it at only eighteen times, allowing nothing for large sheets paying double postage, and the revenue will be tripled. Loss of revenue is impossible, gain of revenue is certain, and it would, I think, be difficult to find reasons for not adopting so momentously important an arrangement; still I know well enough that it will be opposed, first by those who have power, and are so blinded by its possession as not to see the evil consequences of ignorance, not even by the light of the ricks and barns, and would not be convinced by the light of the blazing crops, even though it should spread over the whole horizon. To these I have nothing to say. Second, by those persons who absurdly fear the increase of knowledge. To these I say, look at the consequences of ignorance, look at the advantages of knowledge, slightly as they have been noticed; make an effort to see through your fears, and your reason will soon lead you to the right conclusion. But to ministers, to men intrusted with the government of such a nation as this is—a nation excelling in every thing of moment all that is boasted of antiquity, all that at present exists elsewhere—a nation progressing beyond all that has ever been predicated of it—a nation restrained in its course only by the too long-continued barbarity of its laws; to ministers I say, your duty is obvious, your course is clear; to ministers I say you ought not for a single instant to be influenced by any thing the two classes of objectors, however great and powerful some amongst them may be, can say—nor be deterred for a moment by any thing they may do.

One other description of persons, not a numerous body, remains to be noticed—the proprietors of the daily newspapers. They may be expected to exclaim vehemently against the repeal of the stamp duty on newspapers. It is worthy of remark, that there is no daily paper in Great Britain except in the metropolis, and that the whole number is twelve; viz. The Times, Herald, Chronicle, Advertiser, Post, Ledger, Courier, Globe, Star, Sun, Standard and Albion. It is probable that the proprietors of these newspapers will make common cause against the repeal of the stamp duty, and, as far as their pecuniary interests are involved, they cannot be blamed individually. Still nothing which they can say should have the least weight with any man who has the duty of a legislator to perform. The *Times* would make the strongest case, and yet even this case would be worthless in a legislative point of view. The time was when the whole estimated value of the paper did not exceed £.10,000: it will now probably be valued at £.100,000; and if so, the very proof of

the value will prove also that all the money which could possibly have been employed as capital to carry on the concern, had been *repaid a hundred times over; and that the speculation had been* so enormously profitable, that no claim for compensation could be maintained for a single moment, and does not therefore deserve attention.

The monopoly of newspapers in London is the boast of the proprietors: they tell us tauntingly, you cannot oppose us, we have no fear of any thing you can do, you cannot establish a morning newspaper without spending £.40,000, and we are therefore safe. They talk as if they had a perpetual power by which they might compel the public to read whatever they chose to present to them, and nothing else; and yet they are the merest speculators; liable to all the inconveniences and losses of such speculators, as well as to the gains of speculators; but on this subject I need not, I am sure, expatiate, since no man understands it better than you do, and the more especially after the very proper manner in which the Government treated the claims of the Brewers and Publicans in the last session of parliament, when they repealed the duty on beer.

I remain very sincerely your's,

## POSTSCRIPT.

A nobleman high in office has said, that on the plan proposed the mails could not carry the papers which would be sent to the Post Office.—Conveyance could easily be found: any coach proprietor would provide mail carts, coaches, or vans, at a small comparative expense.

Some noble peers have said they would not oppose the repeal of the stamp duty, if it were proved that mischievous tracts could not be put down by law. This is easily proved, first, by the fact—they never have been put down; second, by the practice, which is this—a man prints say 10,000 copies of an obnoxious tract: he sells them to the hawkers and small traders, and they are quietly dispersed all over the country. The man may be prosecuted: this gives him a name and reputation, and he continues to print until he is convicted. Others follow his example in consequence of the market his prosecution has opened: they set the law at defiance, as the chance of gain must be, as it always has been, greater than the chance of loss; and as they who would meet them on their own ground are restrained by the law, they have the whole field open in which to do their mischief; and as this sort of publishing never will appear criminal in the opinions of many persons, they who are prosecuted are sure to be supported.

No administration can prosecute any considerable number of the publishers and venders of tracts. Prosecuting poor men in

any considerable number for selling cheap tracts, would soon bring odium on ministers to an extent which no administration would endure; but if any administration were willing to encounter the odium, *their prosecutions would increase the evil.*

Shall the cheap press then remain in the hands of the ill-informed and mischievous? or shall they, who would willingly counteract their efforts, be permitted to do so?—"Let reason be fruitful, custom barren;" was the saying of the great Lord Bacon.—Let us hope that reason will at length supersede custom—bad custom, in this singularly important case.

## APPENDIX (A). *March* 31, 1831.

*From the Correspondence of the British and Foreign (originally the Lancasterian) School Society.*

"DEPLORABLE AMOUNT OF IGNORANCE.

"It has frequently been asserted that few, if any of our own countrymen, are in the present day without the means of instruction. This opinion has occasioned no inconsiderable degree of the apathy which exists with respect to the establishment of schools for the daily instruction of the poor.

"How false, and utterly delusive, such a view of things really is, the melancholy facts brought to light by the late Special Commissions abundantly testify. From a correspondence which has been entered into with intelligent individuals resident in the disturbed districts, the following details have been elicited.

"*Berkshire.*—Of 138 prisoners committed to Reading jail, 25 only could write, 37 only could read, and *seventy-six* could neither read nor write: 120 were under 40 years of age, varying from 35 down to 18 years.

"Of 30 prisoners tried at Abingdon, six only could read and write, 11 could read imperfectly, the remainder were wholly uneducated.

"*Bucks.*—Of the 79 prisoners *convicted* at Aylesbury, only 30 could read and write.

"*Hants.*—Of 332 committed for trial at Winchester, *one hundred and five* could neither read nor write. Nearly the whole number were deplorably ignorant of even the rudiments of religious knowledge.

"*Kent.*—About *one half* of the prisoners committed to Maidstone jail could neither read nor write; and nearly the whole were totally ignorant with regard to the nature and obligations of true religion.

*Sussex.*—Of 50 prisoners put on trial at Lewes, 13 only could read and write, 12 could read imperfectly; *only* 1 *could read well.*

"Now from these statements, which are attested by the local authorities, the following deductions may fairly be drawn:—

"I. That a large proportion of the working classes in our agricultural districts, are in a state of ignorance as debasing as can possibly be imagined.

"II. That where the art of reading has been communicated, it has been taught so imperfectly as to afford little, if any advantage to the learner, and has been almost entirely unaccompanied by instruction in moral or religious obligations.

"III. That this ignorance, in connection with other causes, has led to the commission of the most serious crimes.

"These facts are truly alarming. The existence of a brutalized population in the heart of a free country like England is as dangerous to the peace of Society, as it is disgraceful to a Christian people."

## APPENDIX (B).

*(From the North-American Almanack for* 1831.)

### NEWSPAPER POSTAGE—UNITED STATES.

| | |
|---|---|
| For each newspaper not carried out of the state in which it is published..... | 1 halfpenny. |
| If carried out of the state, but to a distance not exceeding 100 miles ..... | 3 farthings. |
| If carried out of the state, and more than 100 miles, | 3 farthings. |

Newspapers of any size, may therefore be sent by the General Post, from Portland, the capital of the State of Maine, to New Orleans, a distance of 1814 miles, or to any intermediate distance, for Three Farthings.

N. B. There is no stamp duty on newspapers in the United States.

### MAGAZINES AND PAMPHLETS.

| | |
|---|---|
| *If published periodically:—* | |
| Half-sheets—a distance not exceeding 100 miles, | ¾ of a halfpenny. |
| ——— more than 100 miles ..... | 1½ halfpenny. |
| Whole sheets—not exceeding 100 miles (pr sheet) | 3 farthings. |
| ——— exceeding 100 miles ..... | 5 farthings. |
| *If not published periodically:—* | |
| Half sheets—a distance not exceeding 100 miles | 1*d.* |
| ——— exceeding 100 miles ..... | 1½*d.* |
| Whole sheets—not exceeding 100 miles ..... | 2*d.* |
| ——— exceeding 100 miles* ..... | 3*d.* |

The facility thus given by our American brethren to the conveyance of newspapers and pamphlets by the post, at a rate which the poorest can afford to pay, should put to shame those who are still disposed to circumscribe knowledge in this country.

Each of the United States is as desirous to educate its people, as the General Government is to spread knowledge all over the Union; and the result is seen in the industry and intelligence of the people, and their support of the laws.

As an example, it may be observed, that in the State of Massachusetts, which contains a population of 600,000, there are 9 or 10 colleges, and 56 incorporated academies. Common schools are numerous; the law requiring that every village of 50 families, shall have a school for 6 months in the year; of 100 families, a school all the year round. Money is raised for their support by assessment. Each town must appoint a committee of 3, 5, or 7 persons, under whose inspection the schools are placed.

* Over the whole of the States, the same distance as newspapers.

*J. Innes, Printer, 61, Wells-street, Oxford-street, London.*

No. I

# A LETTER

TO

# EARL GREY

ON THE

# ARISTOCRACY OF ENGLAND,

AND THE

# REPEAL OF THE UNION

## WITH IRELAND.

BY AN ENGLISHWOMAN

LONDON:
PRINTED AND PUBLISHED BY WILLIAM LOW,
(*late Publisher of the Oriental Herald and Colonial*),
9, LEICESTER PLACE,
ALBANY ROAD, CAMBERWELL;
AND SOLD BY ALL NEWSMEN AND BOOKSELLERS IN TOWN AND COUNTRY.

1831.

# A LETTER

TO

# EARL GRE[illegible]

*&c. &c.*

---

"The sun of liberty must be quenched in a night of ignorance and slavery, before the instinctive love of free discussion can cease to assert itself on such occasions."—LORD BROUGHAM.

---

MY LORD,

A NEW era, like an orb of glory, has burst upon the world; it diffuses its glowing influence around; it has given pulsation to cold and sinking human nature; it acts upon men's hearts, and they grow warm and expand under its genial ray; it has suffused the light of a new existence over their souls, it has kindled a thousand new and glorious imaginings;—liberty is the spirit it has awakened; already her voice resounds along the hills and through the vallies, and is swept over the the ocean to the uttermost bounds of the earth!

What do I behold? America in her freedom,

and Europe in her advance to freedom, and Asia groaning for her freedom, and Africa weeping for her freedom! And I see this mighty and universal principle thus stirring and agitating the spirit, and breaking the manacles of nations. I look at Europe and I see before me one vast and overwhelming scene; I see the wreck and desolation of thrones and princes; a dynasty of tyrants brought low, and unholy treaties scattered to the winds. I point to renovated France, and I behold her myrmidons of freemen! and to Belgium, and to Italy, and to Switzerland, and to Poland, and the horizon of my hopes expands, for I see the banner of liberty unfurled, and floating triumphantly over the towers and strong holds of despotism and imposture—of tyranny and priestcraft! My heart bounds and exults in this surprising and glorious overthrow of sceptres and perfidy, and I fly to gaze again on the shores of my native land, of my forefathers, of my kindred, of my people; and to mark the aspect of my country in this great and immortal crisis of the world; to see whether those accursed bonds of oppression and superstition can yet enthral her; or whether the sword of justice and truth have sprung from its scabbard to rend them like flaxen fibres asunder. Oh, England! thou who hadst been my proud boast and glory among the nations, how do I see thee fallen, despoiled of thy loveliness, and a prey to the ra-

paciousness of thy rulers and nobles! Thou, in whose name there was all the eloquence of liberty, and the majesty of might! My country, thou art betrayed—thy power and thy grandeur are passing from thee!

But a new truth is illuming the understanding and directing the impassioned energy of my countrymen; it dissipates the consternation and despair that had weighed down my soul. I hear amidst the wailings of pallid want and the murmurings of the oppressed, the music of ten thousand lyres hymning an apostrophe to freedom! it becomes louder and more loud, and it reaches my ear from the corner of the high way—from the hut of the emaciated wretch who has delivered up his last mite to the infernal grasp of the tax-gatherer and tythe proctor,—it is mingled with the lisping of the zephyr, the roarings of the whirlwind, and it reverberates through the solitary caverns of misery!

Tyrants, do ye hear and not tremble? Ye meanest of slaves! ye most abandoned of libertines and profligates! ye aristocracy of Britain! ye who feed on the life-blood of your fellow-beings! ye who wither and soothe the last hope of the children of your soil! grind them to the dust by your merciless oppressions, and overpower

them with unutterable calamity! ye corrupt statesmen! ye misnamed patriots and bloated priesthood—how have you reduced your country to poverty, and provoked her to an anarchy of the passions by unrestrained systems of cupidity? Are ye not troubled by the aspect of the times? Do you not see the storm of popular fury and vengeance already approaching? the pillars of your gorgeous palaces, are they not already giving way, and the superb architectural structure, with all its Grecian beauty and faultlessness, that has served to administer to the insatiable vanity and wild extragance of your desires, why is it not already a heap of ruins? Look abroad, ye Princes of the land! behold the havoc, the ruthless, the unsparing havoc your extortions have occasioned! Do you see your peasants, the bulwark of your strength, old men and infants wanting bread, and going down to their graves in hunger, cold, and nakedness, while you revel amid your marble halls and sumptuous banquetings, exclaiming "Have I not a right to do what I will with my own?" Legislators! wherefore do you impel by your barbarous levity, a suffering multitude to break down those barriers of order which you yourselves have erected? Why denounce *death* against the victims of your own madness and folly? Or by the ridiculous ceremony of your *fasts* and *prayers*, seek to allay the convulsive throes of a nation?

Overpowered, my Lord, and borne along by the impetuous current of my feelings, I have too long deviated, not only from my subject, but perhaps also from that decorum which it was necessary to preserve in the presence of the Prime Minister of England.

I have observed with dismay the injuries inflicted on that great and magnificient people, the Irish nation. I have unfolded the page of history, and scrutinised her annals for *one* generous act that England, or I should say her ministers, have displayed towards her from the time of the 2d Henry to the present period; but my efforts have been in vain! The truth of this assertion will be confirmed by the historic lore, and erudition of your Lordship, and the reflections it involves would furnish matter for volumes!

Ireland has been betrayed but never defeated. Oppressions which would have humbled the spirit of any other nation to the dust, have never been able to extinguish the loftiness, the generosity nu the chivalry which distinguish her. There is a point, however, when it would be as mean to succumb to such oppressions, as it was before noble to endure them without revenge; and Ireland, my Lord, is that splendid phenomenon, which, like the spirit of the Roman, must burst

through the bondage of despotism or expire. She now demands in a loud and unanimous voice the restitution of her rights and her liberties! Do the *Ministry* of England dare to withhold them? Or shall all Europe be liberated and Ireland enslaved? The wounds which my country have inflicted on this great and generous nation from a period of six hundred years, now lie bleeding before you. Yet amidst the famine, disease, and desolation, that now stalk over her verdant plains, she extends the hand of fellowship to England, and her heart dilates with all the enthusiasm of its nature to the patriot Monarch who now presides over her destinies. Will you, my Lord, who, at the fatal moment of the Union, declared that you "rejoiced that the Irish had shewn a firm determination to preserve their constitutional rights and liberties,"—Will *you* not, my Lord, now be found foremost in the list to aid by the charms of your eloquence, and the integrity of your name, and the influence of your high station, the success of a cause necessary to the happiness and prosperity of Ireland and to the welfare and even existence of England? Or will you neglect to listen to this last appeal? Will you reject peace and friendship thus proffered, and see the scabbard flung away for ever, or sacrificed on the altar of bitter and eternal enmity? Vain and infatuated hope, should your Lordship resolve

as some have contended, that the shout which is borne to heaven by the united voices of five millions of human beings can be stifled, either by the thunders of your artillery or the bloody points of your bayonets! No, my Lord, you have the example of France; you have the example of Belgium; you have the example of Poland to instruct you, that your legions of armed men will neither be daring nor cowardly enough to immolate the victims of oppression!

But, my Lord, you profess to be ignorant of the state of Ireland. Is a kingdom possessing a population of *eight millions* so insignificant as to be unworthy of the consideration of her chief statesman, or is not this a damning evidence that Ireland should possess a *domestic* legislature? Can it be supposed that an English Parliament is competent to govern a country, whose affairs, as Earl Darnley says, they know little more of than those of China? Or that any people can be so well ruled as by their own resident senate?

It is possible, my Lord, that you admit this self-evident axiom. On what grounds then are you prepared to resist the claims of justice and right?

Is it the loss of that patronage, place and pension, which since the Union has assisted to make

the English Parliament a den of plunder and corruption, which you dread?—or is it the fear of the political separation of the two countries, which terrifies and alarms you? If it be the first, my Lord, and you be sincere in your professions of Reform, you will rejoice in the opportunity that now presents itself for the annihilation of a source of so much undue influence to the Ministry. And as regards the second, a serious deliberation would prove to your Lordship, that the apprehension of a separation is more likely to be realized, from a rejection of the just claims of Ireland, than from the repeal of that obnoxious measure, which thirty years' experience has demonstrated to have caused the annihilation of her trade, the destruction of her manufactures, and the general impoverishment of her people; which has converted the garden of the cottager, into the stock-farm of the agriculturist; hushed the busy hum of the spinning-wheel, and turned the palaces of her nobility into common taverns; and has left her superb halls of commerce to the wild wailing of the winds, and to the bats and to the owls to nestle in; and her Senate House, that once reverberated with the mighty eloquence of a Grattan, Curran, Flood, Ponsonby, Forster, Plunket, and the other hosts of her patriot orators, now transformed from a wonderous temple of intellect to the base stalls of the money-changer!

But, my Lord, it is not merely among these vestiges of classic grace and splendour, that I wish to detain you—no, leave those stately monuments of national glory to the solitude, and the blight, and the utter destruction which the withering, aye the *infernal* policy of England has brought upon her; follow me to the summit of her green hills, and the vision of ineffable loveliness which will unfold itself before you will delight the poetic workings of your nature; contemplate the vernal bloom of her valleys; the richness of her meads, and the refreshing beauty of her meandering streams;—gaze yet a moment, on a landscape on which Claude would have burned to pour the bright flood of his genius:—My Lord, I will now show you a mystery; I will show you man, amidst this abundance of nature, dragged down to the lowest depths of want and misery! Do you mark his haggard look, and the ragged garb which is flung over his shivering frame? Do you see the sad partner of his affections, drooping from care and inanition; and the lisping group with which she is surrounded shrieking in their agony for bread? Do you see the deformed, and the sick, and the aged driven out, even from those asylums of charity whose founders until reduced to beggary themselves, had endeavoured to succour? Do you see a multitude rushing forward and rending the air with their supplications

*that the food, the product of their own labour,* might be spared to their famishing infants and kindred, and not be borne to other shores to the pampered aristocrat—the alien proprietor of the soil, who wrings the last pittance from the dregs of wretchedness? Do you see——but I forbear, my Lord, to harrow your feelings any longer;—I change my theme, I exhibit to you the extraordinary spectacle of a people thus scourged by the rod of oppression, depressed by a monstrous system of taxation; plundered of their political birth-rights, and then prohibited by the Algerine edicts of a *foreign* parliament from even agitating a remonstrance against their wrongs; yet, I exhibit to you this people patient, committing no outrage on laws, maintaining a sacred regard for the rights of property, and though at the *eleventh* hour confiding in the justice of England!

The experienced mariner who adventures life and fortune in the fragile bark which is to bear him over the broad wastes of ocean, is accustomed to survey with absorbing attention the prognostics of the skies, and the course of the elements around him. Already he descries the gathering tempest, while to all others there is an unruffled serenity—already he sees the heavens shrouded in portentous clouds, he hears the sighing of the congregating winds "*fremunt circum claustra:*" the

*whirlwind is yet chained, and he seizes on the* propitious moment to arm his gallant prow for the conflict, and to pilot her in safety amidst the raging storm.

Happily, my Lord, Ireland is possessed of that mariner, and one greater than that mariner, in the magician who is now wielding the wand of his mighty talents and energies, not to contend against, but to *rule* over these warring elements. "*Quippe ni faciunt, perflant turbine terras!*" What a debt of gratitude does not England owe then to that uncompromising patriot, whose deeds are so justly crowned with the proud title of "*Liberator of his country*"! Who, when Great Britain, to use his own eloquent expression, "is rocking to her centre," agitated by civil discord and the demon of faction, is maintaining not only the tranquillity of Ireland, but burying the deadly feuds of ages in oblivion, and blending in one holy Union the Orange and the Green!

My Lord, I now turn to the consideration of my subject in another point of view. I beg your attention, not as to the question of constitutional right you may imagine the British Parliament possesses, to oppose the claims put forth by Ireland, but to the *expediency* of doing so. Ireland has been wronged—she has been driven to mad-

ness by the policy of British Ministers. The tragic drama, entitled the Legislative Union, (which bears such a striking similitude to the never-to-be-forgiven partition of Poland),—you, my Lord, know by what means it was effected; you know what were the golden prospects spread before her, not *one* of which, it would be profane to urge, has ever been realised. I do not, however, take it solely on this ground that the rights of this much-injured country should be restored. I stand upon a broader basis, upon the basis of *universal freedom!* I say that Ireland demands the restitution of her liberties as an *abstract matter of right*, without an iota of reference to the good or evil resulting from the measure which deprived her of them; and that the Parliament of Great Britain dare not resist the abolition of that measure because it is consonant to the wishes of the great majority of the Irish people, that it should no longer exist. I say also that Ireland is putting forth her claims at a moment when the energies of this country are too depressed to offer them any effectual resistance—at a moment when the examples of all the countries of Europe are before her eyes—when the course of public opinion is in her favour—when the voice of the multitude now so loudly insisting on Parliamentary Reform, will necessarily, in *consistency* with the nature of their own demands,

be on her side. *Above all*, Ireland herself wills it to be free; and it will be beyond the controlling power of any thing earthly to prevent her! And, my Lord, if it be your policy to maintain the stability and consolidation of this Empire, it ought to enter deeply into your consideration, whether that object would be best attained by vainly struggling to preserve a Union, which exists but in name, or by respecting the liberties of a brave and noble people, unite them for ever in adamantine bonds of amity and affection!

My Lord,

I have the honour to be

Your Lordship's most obedient Servant,

F. K. M.

AN ENGLISHWOMAN

147, *Strand, London,*
*1st. January*, 1831.

Printed and published by W. Row, Leicester-place, Albany road, Camberwell.

A

# LETTER

FROM

# THE KING

TO

# HIS PEOPLE.



THE TWENTY-SECOND EDITION.

LONDON:

PRINTED FOR WILLIAM SAMS,

BOOKSELLER TO HIS ROYAL HIGHNESS THE DUKE OF YORK,

No. 1, St. JAMES'S STREET,

SOLD ALSO BY W. BLACKWOOD, EDINBURGH; J. P. ARCHER, DUBLIN;

AND ALL OTHER BOOKSELLERS IN THE UNITED KINGDOM.

MDCCCXXI.

*Carlton Palace, Dec. 1, 1820.*

TO ALL OUR LOVING SUBJECTS
AND COUNTRYMEN,
HOWEVER EXALTED IN RANK OR HUMBLE IN STATION,

# THE KING

**Sends alike his most affectionate greeting.**

THE liberty of the press does not permit to your King, the possibility of remaining ignorant of passing events, or unaffected by the public agitation: at one and the same time it conveys to me sentiments of satisfaction or grounds of complaint; the promised support of the constitutional, and the threat of the disaffected. My own conduct, the measures of my executive, the state of my kingdom, and the condition of my subjects, are placed before me in as many various, confused, and contradictory positions, as the greater or lesser degree of information, the rivalship of party, the animosity of prejudice, or the insidiousness of faction alternately suggest. In this chaos of contrariety, to me the first great difficulty is, to discover the truth; the next, so to manage the discovery, as to produce from it some sound and dispassionate course of action.

This liberty of the press, in itself a great abstract good, capable alike of being converted into a bane or antidote; and, by discreet and conscientious management, capable also of promoting and effect-

ing immortal benefits to mankind, or inflicting upon them irremediable ills, keeps up at least a constant communication between us, depriving the courtier of the power of concealing from his Sovereign public opinion, and placing him within the effect of inquiry. With such a constant possibility of explanation, a Monarch may be misguided, but cannot be uninformed; he may adopt decisive rules of government, but cannot remain ignorant of their effects.

Although it is presumed that I become acquainted with political occurrences and opinions, solely through the channel of my official advisers, and can only constitutionally address my people through the regular organ of parliament, or of my council; yet, at this momentous crisis, pregnant with evil to our common country, and to me so interesting as a man and a husband, but above all, as the inheritor of my Royal Father's crown, the form and mode of this communication may stand shielded and excused, in the generally anomalous character of the circumstances to which I shall hereafter advert: nor, on so singular an occasion, do I think it derogatory to the dignity of my exalted station, to attempt the dispersion of a mist, in which too many of my subjects have wandered, led on by a generous delusion.

I will not accuse, I do not accuse, of disaffection either to my person or government, *all* who are advocates for the cause of the Queen; for in that cause, I perceive plainly a variety of motives in activity; in the combination of those motives, differing widely from each other, the immediate danger appears to consist: but it is also, from their dis-

cordance, that future tranquillity may be expected. I am persuaded that, could my subjects upon reflection, be brought to consider the probability of my being an injured and calumniated Prince, they would abstain from further insult to the crown inherited from GEORGE THE THIRD. I am also persuaded that public opinion, although forced into extremes by the goadings of a portion of the daily press, alike unrestrained by truth, and as devoid of principle, as lost to the common civilities of society, would soon right itself; when a plain and simple narrative (such as any man of reasonable mind might comprehend) should supersede the distorted and tortured facts which have lately preoccupied too great a part of the nation.

So many years have elapsed since the period of my unhappy marriage, that it may not be inexpedient (indeed, it appears absolutely necessary, in order to develope certain springs of action) to recall the times and circumstances in which, and by which, this event was produced.

The French Revolution was at its height; the Royal Family of France had been murdered; Holland had imbibed the revolutionary mania, and the Stadtholder had fled to this protecting country; at home, a traitorous spirit was actively at work; trials for high treason had served only to increase the insolence of faction, and foster rebellion; Ireland was on the verge of open revolt: and every political appearance threatened an attempt upon the constitution of these realms; a dreadful war was raging: yet, amidst and in the face of all these evils, it was the wish of my Royal Father to strengthen the succession to the throne of these realms; and the more

especially, as my royal brother of York had been married four years, without the expectation of a family. ' No moment could be less auspicious than the one chosen. My own inclination was averse to a marriage of expediency; nor need I tell my subjects under what disadvantages a Prince of the Royal Family labours, and more especially the heir-apparent born in the kingdom, in a chance for matrimonial happiness; and for myself, confined by the laws of my country within the limits of the realm, I could never hope to lead my countrymen to the field of battle, in her just wars, or extend my sphere of useful acquirement, by foreign travels, and the personal examination of the customs, manners, and government of other countries. Of the character of their princes and courtiers, I could only learn by intermediate report.

Debarred thus from active employment, and destined to pass my time in royal idleness, surrounded with pleasures at every step, and captivated with beauty, it would not be the most difficult enigma to solve, how I became thoughtlessly extravagant. Notwithstanding I had experienced the generosity of my countrymen, when twenty-four years of age; yet, in nine years after, my debts became again the object of serious consideration. In the midst of a war then raging,' expensive beyond all former precedent, and with no glimpse of termination; when monarchy throughout Europe was threatened with annihilation, some powerful and unanswerable motive, or some important and ostensible good, could alone justify the minister of the day, in applying to parliament for the payment of the debts of an extravagant Prince, for such I acknowledge myself to have been.

The justification of the measure was found to be in *my marriage.*

The nation most generously paid my debts, made provision for such marriage, and I became an *expedient* party to the contract. For me there was no escape; the interest of my creditors demanded such sacrifice; a sacrifice of which my heart could only appreciate the extent.

But, although the match was forced, and I was left (unlike my subjects) to no voluntary choice, I had still a right to expect in a Princess of exalted ancestry, and one previously allied to me by relationship, a female of chaste person and uncontaminated taste.

But the morning which dawned on the consummation of this marriage, witnessed its virtual dissolution.

Our daughter, the lamented Princess Charlotte, the child of a fond and admiring nation, was born precisely at the moment prescribed by nature.

Of the causes which led to this immediate separation, which however was for a time most carefully concealed; and concealed, I trust, from no ungenerous feeling on my part, it does not belong to me to detail the explanation. But who beside ourselves was interested in it? Surely the family of the illustrious female in question! Did they complain? Did they remonstrate? Did they demand a restitution of conjugal rights between us? Did they interfere to conciliate, to palliate, to explain? Never. By their silence, then, was I justified in requiring at a proper moment, a more openly avowed separation. *The first wrong was done to me.*

The situation in which my Royal Father was

placed towards us both, was one of peculiar delicacy, and requires your particular attention. Independently of his own good and well-intentioned motives, he could not but feel that I had sacrificed my happiness to obedience to his will, and to those urgent and pressing political influences which directed that will. To him, therefore, it must have been painful to find, that all chance of connubial connexion was destroyed as soon as formed; it must also have been painful to him to know, that in commanding my marriage, he had (however unintentionally) clogged my high station with a source of constant anxiety and unceasing misrepresentation. Again: as towards the then Princess of Wales, his late Majesty, my revered Father and King, could not but have felt, that a marriage so brought about at his urgent desire, and enforced upon one positive condition, called forth from him more especially every increased attention towards the illustrious female whom he had introduced into the country; nor could this fatherly attention be otherwise than the more marked and decisive, on account of the relationship of that illustrious female in question to the then Queen of these realms. His most sacred Majesty was thus doubly and peculiarly bound to the protection of the interests of this illustrious female, as well as to a gentlemanly forbearance towards a son, through his influence so unexpectedly, so unusually, and I may add, so unhappily, circumstanced. This line of nice distinction and difficult conduct, so honourably and so nobly adhered to by his late Majesty, led to the erroneous supposition, that my honoured and royal parent and myself were at variance upon this important occasion: but such

was not in the slightest degree the fact; the subject was, as it were, interdicted mutually from our conferences and meetings, and I always honoured my royal parent the more highly for the motives which influenced and marked out the line of conduct he felt himself peculiarly called upon to adopt. His aim was, to soften by every means of alleviation in his power the situation of the Princess; but, at the same time, he was left without cause of accusation against his son's early determination.

Having rested the propriety of my conduct upon the silence of the relatives of the Princess, on an occasion when silence on their part could only have been imposed by a knowledge of the means of justification; and having discovered the principle which generosity and hospitality dictated to my late Father and King in his conduct towards the Princess, I now refer to a letter, dated Windsor Castle, April 30, 1796; which letter has been termed, insolently, unjustifiably, and almost traitorously, a letter of license.

"*It was always competent for the Princess of Wales to demand from me, if she felt herself so justified, the restitution of her conjugal rights.*" That a female of her lofty daring should not have taken such a step, admits a very strong argument in favour of the retiring husband; at all events, it allows of the inference, that there was a domestic and personal cause for separation, to which the parties mutually consented.

This letter of the 30th of April, above alluded to, may be considered as containing the terms of our separation. On this letter, which evidently refers to former conferences and previous communications, and was written to the Princess at her own request, I have but one observation to make, namely,—

"That pending the arrangement for an open and *avowed separation, the then Princess of Wales,* through the medium of Lady Cholmondeley, required *that the separation should be final and conclusive, as to any future particular intercourse, and not to be renewed at any period, even though our child the Princess Charlotte should die.*" To this proposition I assented; by this proposition I have abided, and ever will abide. It is an extra proposition emanating from the Queen; it contains her own terms.

From the moment of this open and avowed separation, *rendered perpetual* by the proposition of her Royal Highness; I can call herself and the kingdom to witness, whether any thing has been withheld from the personal accommodation of the Princess of Wales? Whether a suitable establishment, regulated by herself, was not provided for her comfort! Whether I ever interfered with her arrangements, her society, or her social convenience; in short, I boldly challenge my people to the proof, whether I had ever been guilty of any step, directly, or indirectly, to break in upon that arrangement of tranquillity, and comfortable society, which was the basis of our mutual separation.

This separation between the Princess and myself, partook not in its origin, of the smallest political mixture; it was purely an unhappy but unavoidable domestic occurrence, of which the good manners of both parties might have softened the effect; and in which, strict propriety of conduct, such as befitted the second lady in the land, might have commanded my respect; though an insurmountable obstacle was opposed to any further feeling. During this separation, the Princess of Wales possessed the most uncon-

trolled choice and command of her own household; *she was mistress of her own conduct; was still the wife of the heir-apparent to the throne, and mother of the* heiress presumptive. The Princess must have been aware of the superior legal responsibility attached to the high and important rank she held in the empire; and the peculiarity of her situation demanded a greater degree of discretion; painful and singular as was that situation, it was one in which the Princess might have shone with additional splendour, had she maintained a dignified and elegant association.

I am charged by the giddy press and the partisans of the Queen, with having, upon all occasions, besieged her with spies and suborned traducers.

At the period of this separation in 1796, the then Princess of Wales surrounded herself, not with any friends of mine, but with an establishment of her own choice. But suppose, for argument sake, this false assertion to be true; how completely useless would have been the office of those spies and tale-bearers, had the conduct of her Royal Highness given no grounds for their occupation! In such a case, the more closely her Royal Highness had been watched, the more spotless, chaste and unquestionable would her conduct have appeared. Ought it, under any circumstances, even of presumed aggravation, to have been otherwise?

I approach now the period of the first investigation of 1806, which took place *ten years* after the separation; and which carried back its research four years from the date of its report. The very circumstance, that it became necessary to trace *through several years* the conduct of her Royal Highness, allows me fairly to assert that which was the fact; namely,

" that it was not until after tale upon tale had been in wide circulation for a long period; nor until those reports assumed the threatening character of high treason, that I determined to advise with a retired Lord Chancellor on the measures necessary to be adopted." Had I been actuated by the foul spirit attributed to me, I had at that moment an opportunity of gratifying such revenge, by demanding a public trial instead of a private investigation. The base political purposes to which the privacy of that proceeding was subsequently applied, might almost tempt me to regret that I had not done so: yet I do not regret it, since the motive was (even at the very moment of an inquiry becoming legally expedient) to shield the object of it as much as possible from publicity, I might almost say, to accommodate her acquittal. Upon this occasion, the reputation and character of those eminent noblemen, Lords Erskine, Spencer, Grenville, and Ellenborough, must first be destroyed, before I can be charged with provoking *an unnecessary inquiry* into the existence of circumstances which had long been circulating through every rank of society, which were at the time generally believed to be true, or enveloped in a mystery far removed from that absence of all doubtful and suspicious appearances, which should characterize the conduct of a Princess of Wales. On this occasion, the same honourable feelings which had invariably guided the conduct of my Royal Father and King, inclined him still to shield and protect her Royal Highness, and to place the least culpable interpretation upon the circumstances of that mysterious case. It was the same generous feeling which induced my Royal Father to adopt, as

a previous step, my proposal of a private and confidential inquiry, in a matter, where less considerate conduct might, at once; have transferred the cause of offence to a public tribunal. Throughout the whole of this affair, her Royal Highness was treated with a delicacy suitable to the peculiarity of her situation, to which every and the most generous, consideration was paid. Her Royal Highness was aware of it, and *at the moment* felt herself so treated.

Did I, upon this occasion, dissent from the line of conduct recommended to be pursued? No. Did I interfere with the duties of the noble lords commissioners upon the occasion? No. Did I, as a husband, cease to perform the terms of separation, even after the imperious necessity which had devolved upon me as Prince of Wales, of requiring indemnity for the succession to the throne? No. I assert, that in the conflicting duties imposed upon me as a husband, and as Prince of Wales, that when the admonition of my royal parent was deemed sufficient for the occasion, I acquiesced. Nor, on a subsequent occasion, did I hesitate to pay the debts of the illustrious person in question, in her character of my wife. Nay more, I carried still further the spirit of conciliation, and proof of my acquiescence in the result of such investigation, by the subsequent advance to honour and distinction of one of the parties implicated criminally in the charge against the then Princess of Wales. I am, therefore, on that occasion, the avowed approver of the result of the inquiry; and stand convicted, either of being regardless of my own honour, or of being satisfied that the accusation was overstrained.

Before I dismiss this part of my letter, I would

direct the attention of my subjects and countrymen to the rigour of the law, applicable to the wife of the heir-apparent to the throne. An error which, n any female of less distinguished rank, is merely a civil injury, in the wife of the Prince of Wales *is a crime against the nation.* The mere act of offence is in both cases alike; but in the one may be attended with the last penalty, that of death. If, therefore, in any proceedings connected with the case of a prince of Wales, there appears a greater measure of legal harshness, to which our moral feelings are opposed, it should be remembered, that the anomaly is created by the statutes of the realm. I made not the law for myself.

When the Princess of Wales had received the admonitory letter of 1806, no complaint at the time was made by her, either against its justice, or the mode in which the inquiry had been conducted. It was reserved to revive the painful subject seven years after its occurrence; and to attack the proceedings, as well as the intermediate restraint which had been imposed on the intercourse of the Princess with our daughter, in a letter dated early in 1813, addressed to me as Regent of these United Kingdoms. That letter, as containing a matter of complaint deserving of inquiry, was submitted, without regard to the personally offensive remarks contained in it, to several dignitaries of the church and of the law. Upon this second report, the restriction alluded to was still continued, and the aspersions cast upon the testimony of certain witnesses connected with the inquiry of 1806, were pronounced to be *wholly groundless,* and *without the slightest support of Proof.*

It is important for me to draw your attention to

the circumstance, that the two reports were drawn up by noblemen of differing political sentiments, accustomed to constant parliamentary opposition; if therefore from such an ordeal, the proceedings of 1806 have escaped censure, and consequently became stamped with a character of fair and impartial justice, I have a right to demand, and do demand, a full and complete acquittal from all those false and unprincely motives, by which my conduct has been stigmatized; I plead guilty only of one motive, "That of preserving to my daughter her rights, and protecting the purity of succession to the throne of my ancestors."

Had the result of this second report, produced by a set of political reasoners wholly opposed to the first commissioners, varied from the report of such commissioners; had it brought home to the witnesses upon the former occasion, any charge of perjury, or have elicited any trace of unworthy motive, or corruptly contrived evidence; it would have been my unavoidable duty as Regent, and the office most pleasing to me as a husband and man, to have revived that inquiry, and have punished the guilty participators in it; and besides, it was at all times open to the Princess *to bring her accusers before the tribunals of her country.* Unless, therefore, every principle of civilized conduct has been violated by me, and I alone have proceeded upon impulses different from all mankind, surely, on my own account, I must have rejoiced at any elucidation which had sprung up, had it been only for the mere selfish purpose *of wiping from myself* the mortification of such recorded aspersions. Was it to be supposed, that I should tamely cover myself with the mantle of my

own shame, could I have had it in my power to destroy every thread of the garment? I should have deserved the scorn of the age, and ill-merited *the allegiance of my father's subjects, could I have* hesitated one moment in following the minutest ray which might detect the mystery of 1806, and completely clear her Royal Highness from those charges.

But from the date of this letter in 1813, the whole transaction, which had hitherto been treated as a domestic difference, assumed on the part of the Princess of Wales a political aspect. To this point I shall subsequently refer; for the present, therefore, I will pass on to the period of her departure to visit the continent.

Upon this occasion, her Royal Highness addressed her intentions to me, through the medium of the Earl of Liverpool, in a letter dated the 25th July, 1814, in which her Royal Highness stated as her first and her most urgent motive for wishing to retire to the continent, "the restoration of tranquillity to my mind." Her Royal Highness then goes on to complain of the indignities and mortification to which she had been exposed, by being withheld from receiving her nearest relations, and the most intimate friends of the late Duke of Brunswick, her father; and alludes to the rupture of the proposed alliance between our daughter, the Princess Charlotte, and the Prince of Orange. Her Royal Highness also pointing out her route, states that she intends to return to Brunswick her native country, and with a degree of uncertainty adds, she *may* afterwards travel into Italy and Greece, and proposes certain arrangements as to the disposition of her private pro-

perty. To all these points I subjoin the reply as transmitted through my prime minister, with this one observation, that Lord Liverpool does not *silently pass over the circumstance of her Royal Highness possessing apartments in a royal palace,* (to which her Royal Highness makes no allusion in her letter,) but absolutely states, that such apartments will still be retained for the use of her Royal Highness; thus, if any conscious doubts had existed in the mind of the Princess, and this omission was intended to draw from me any expression as to the length of her stay on the continent, or whether I considered that the departure of the Princess was intended to be permanent, such doubts are clearly removed by the specific allusion of Lord Liverpool to those particular apartments in a royal palace.

Her Royal Highness then leaves England by her own voluntary act, at her own express desire, retaining by the avowed will of the Prince (acting on behalf of the King) a residence, to which, at any time, she might return. There is also a second point in this letter of the Princess, on which I would make one short observation. Her Royal Highness, referring to the mode of disposal of part of her property, uses this expression: "The Princess of Wales hopes the Prince Regent will *grant* this favour, *the last that she will solicit.*" I ask, then, is this the language of a wife receiving injuries from a husband; or is it not characteristic of language from a wife to a husband who, though separated from that husband, had ever been accustomed to receive from him every favour and benefit which could with honour be granted! I subjoin the reply alluded to, as it corrects the political points contained in the letter of the Princess.

## *Letter of Lord Liverpool to the Princess of Wales, dated the 28th of July, 1814.*

"Lord Liverpool has had the honour to receive the letter of her Royal Highness. Having communicated it to the Prince Regent, he has ordered him to inform her Royal Highness that he can have no objection to the intentions of her Royal Highness to effect the design which she announces to the Prince Regent, of returning to her native country, to visit her brother the Duke of Brunswick, assuring her, that the Prince Regent will never throw any obstacle in the way of her present or future intentions as to the place where she may wish to reside.

"The Prince Regent leaves her Royal Highness at liberty to exercise her own discretion as to her abode in this country or on the continent, as it may be convenient to her.

"Lord Liverpool is also commanded, on the part of the Prince Regent, to inform her Royal Highness, that he will not throw any obstacles in the way of the arrangements of her Royal Highness, whatever they may be, respecting the house at Blackheath, which belonged to the late Duchess of Brunswick, or the rest of the private property of her Royal Highness. But that, for reasons rather too long to explain, the Prince Regent will not permit the Princess Charlotte to be ranger of Greenwich Park, or to occupy any of the houses at Blackheath, which her Royal Highness has hitherto occupied.

"Lord Liverpool has also been enjoined, on the part of the Prince Regent, before he closes the letter which he has the honour to send to her Royal Highness, to tell her, in relation to the two articles which her Royal Highness has put in her letter concerning the rupture of the marriage of the Princess Charlotte with the hereditary Prince of Orange, as well as to the reason for which the allied Sovereigns did not, previously to their departure from England, pay their visit to her Royal Highness; that, as to the first article, Lord Liverpool is commanded by the Prince Regent to inform her Royal Highness, that the Prince Regent is not persuaded that the private considerations of the circumstances in which the Princess is placed, can have been an obstacle to the marriage of the Princess Charlotte. As to the second article, Lord Liverpool is also enjoined, on the part of the Prince Regent, to signify to her Royal Highness, that the Prince Regent never opposed himself to the allied Sovereigns making a visit to her Royal Highness during their stay in London.

"Lord Liverpool has the honour to be, with all esteem and the highest consideration.

"P. S. The Prince Regent can make no difficulties on the subject of the directions which the Princess has the intention of giving as to the house at Blackheath; neither will the Prince Regent oppose her Royal Highness's retaining the apartments in the Palace of Kensington, in the same manner as she possessed them while in London, for the convenience of herself and suite."

At the period then of the departure of her Royal Highness from the kingdom, the very last communication between us was on my part, that of assuring her, that the residence more particularly occupied by her as a state residence, should be considered as remaining still at her disposal; thus placing a seal of oblivion on the past, and according every thing but personal communication.

Her Royal Highness was enabled to quit England as became her rank, with a suite of her own choice, with zealous friends among that suite, and with every facility afforded her of rendering her stay on the Continent comfortable and convenient. Her public reception at foreign courts naturally depended on, and was regulated by, established etiquette.

I have thus brought down the material circumstances of my unhappy marriage, to the period of the departure of her Royal Highness for the Continent; the transactions in themselves, however unfortunate, are plain and simple, easily understood, and as capable of explanation, when viewed without any selfish tendency to party or faction. The incidents may be thus briefly stated:—

1. Our private separation.

2. Our public separation.

3. The interval between out public separation and the inquiry of 1806.

4. The complaint of the Princess in 1813, as to the restricted intercourse between herself and daughter.

5. The retirement of the Princess to the Continent.

*The first point,* (the reasons of our private separation), it does not become me to explain; her Royal Highness might (if she had so pleased,) have claimed in the proper court, the restitution of her conjugal

rights; such a proceeding would have produced an explanation.

*As to the second point*, we separated upon terms mutually understood, and to which the Princess added herself a peremptory condition; those terms have by me been inviolably preserved; as a husband, I enabled my wife to maintain the dignity of her rank and station as Princess of Wales; I visited her separation with no pecuniary privations, but, on the contrary, paid for her, debts exceeding her means of expenditure, to the amount of forty-nine thousand pounds; the government of the country, at the same time, liquidating a further sum of thirty-one thousand pounds.

*As to the third point*, the preceding remarks, in part apply. On the subject of the actual inquiry, I may be allowed to say, that the Prince of Wales is born with certain rights previously created, as a line of duty to be by him fulfilled. The preservation of the chastity of his wife, with a view to the purity of the succession, is one of those duties. When, therefore, in consequence of rumours, too loud and too deep to remain unheard, I demanded an inquiry, as part of the duty of my high birth and national rank, I submitted the case to the responsible ministers of the crown; I acquiesced in the sentence passed upon the termination of the inquiry, and bowed to the decision which had been pronounced by the warm and zealous friend of the Princess, who was judge upon the occasion.

*As to the fourth point*, I endeavoured, by every means in my power, to prevent our disputes from taking a political turn, embarrassing to the government of the country; and I most particularly aimed

at preserving, in the mind of the Princess Charlotte, a neutrality on the delicate occasion; the restriction imposed on the intercourse between the Princess and her daughter was connected with the system of her education, which, by law, rested with the Sovereign. When, at a subsequent period, in 1813, the Princess of Wales addressed to me as Regent, a letter alluding to such restriction, and also to the proceedings of 1806, almost grown out of recollection, I submitted such letter to noblemen, differing in political opinion from those who had on the former occasion made a report on the conduct of the Princess; the result of this re-inquiry produced no change, no imputation on the former statements and evidence, and I still continued to consider the whole affair as one of domestic inconvenience, inasmuch as the succession to the throne was pronounced *not to be endangered.*

*As to the fifth point,* upon the retirement of her Royal Highness to the Continent, I continued to the Princess her residence in a royal palace, leaving it as a domicile open to her return; and, I declare, upon my honour as a Prince, that I never, on any previous occasion, threw the slightest obstacle in the way of her Royal Highness's comfort, tranquillity, and domestic arrangement. The affairs of Princes cannot be conducted in the same obscure and unostentatious mode as those of private individuals; to snatch a few moments of private life is, in a Prince, to enjoy real happiness. All the difficulties which have occurred in the case in question have been produced and created, they were not of natural origin, but have been foisted on the original evil by factious persons, seeking to advance their own politi-

cal purposes. Had not the Princess placed herself avowedly in such hands, many of the mortifications of her situation had been avoided; they would, indeed, have had no existence. Finally, I declare again, upon my honour, that my conduct aimed to keep the whole unhappy affair within the character of a domestic and purely personal misfortune; and it is only by the attempts made by faction, to give it a political complexion that the attention of the people has been fixed upon it as a national grievance.

I have now, my subjects and fellow-countrymen, gone through the first great division of my letter; I approach the second, I trust, with feelings as a King, suitable to the occasion.

Hitherto I have appeared only as Prince of Wales, and Regent.

* * * * * * * *

Her Royal Highness quitted England as Princess of Wales early in August in the year 1814, and in the succeeding November (a short interval of three months), appears *to have consulted my tranquillity*, by furnishing grounds for *a third* inquiry into the propriety of her conduct. After *three years of rumours*, *a commission* to examine into their truth or falsehood was *a third time* rendered necessary for the honour of the crown of these realms; thus, in both cases, as well in the investigation of 1806, as also in that of 1818, it was not until *years of rumour* had been allowed to rouse suspicions, that any official measures were adopted to inquire into their reality.

Possibly the great error has been, that such rumours were permitted to remain so long without an inquiry. Had spies really surrounded her Royal Highness, the purposes of a commission of inquiry

would have been anticipated and rendered unnecessary.

When the powers of my regency merged in the succession to the throne, one of the first duties devolving upon me as a head of the Church, was, "to settle according to the Act of Uniformity, such parts of the Liturgy as were affected by the decease of my venerable Father and King of blessed memory."

How lightly have too many of my subjects thought of the feelings by which their Sovereign must have been influenced upon so solemn an occasion!

How inconsiderately have too many of my subjects viewed this vital act of religion as a mere matter of form, requiring only a dash of the pen!

How narrowly have too many of my subjects confined their sense of this form, within the bounds of custom and precedent!

How blindly have too many of my subjects viewed this act of devotional formulary!

And how completely have too many of my subjects separated the act to be done, from him upon whom fell the most painful duty of its performance!

Behold then, your Sovereign, in the presence of that God to whom all hearts are open; required by the first servant of our holy national Church, to sanction as head of that Church, a formulary, in which the thousands and tens of thousands, and millions of his subjects were to address their prayers, and praises, and supplications to the King of Kings.

Behold him thus situated, called upon to doubt and to decide between his conscience and his feelings, whether his own wife deserved, without hesitation, to be admitted to the high dignity, *de facto*, of Queen of these United Kingdoms. Behold him,

thus situated, and himself obliged to decide, no other authority, according to the laws of the realm, having power to relieve him from the duty. And why was I thus called upon to doubt? Because my council, according to their oaths, which is "to advise for the King's honour and good of the public, without partiality, through affection, love, meed, doubt, or dread;" and in performance of their duty, which is "*to inquire into all offences against the government;*" had not left me unacquainted with the existence of a *primâ facie* case, of gross and long-continued adultery, alleged to be committed by the late Princess of Wales, now *de jure* the Queen.

It became therefore evident, it was unavoidable, that whenever the Queen thought proper to return to my kingdom, she must meet this charge, the truth or falsehood of which remained still to be proved. My council strictly confined themselves to their legal duty, *that of inquiring only:* and the features of that inquiry imposed upon them the painful duty of placing the Queen in a state of abeyance.

This solemn decision, I may say, this vitally religious act, presented itself to me in two points of view. Was I, with such knowledge in my possession, to recommend unhesitatingly and specially, the name of the Queen, to the prayers of the church? Or was I to leave the name to be inserted when her Majesty should have wiped off this foul charge of adultery? In the first case, it might possibly have fallen to my painful office, again to have expunged the insertion; and in the second case, it might happily have been my duty to have supplied the omission. Which, of the two modes afforded the least probability of future embarrassment? As yet, only a

*primâ facie* suspicion of adultery was exhibited against the Queen; I had a right to presume her innocent, I had a right to expect that future circumstances might justify the insertion of her Majesty's name, but such an insertion being a matter of discretion, the words "*and all the Royal Family,*" *did not exclude the Queen.* To have inserted the Queen's name specially, and subsequently to have found myself obliged by the law of the land to expunge it; would, with a great degree of reason, have subjected me to the charge of having first introduced such name, that I might enjoy the malicious triumph of erasing it; thus adding increased harshness to any future sentence. By using the phrase, "and all the Royal Family," *any future alteration*, under any circumstances of substantiated guilt or innocence, *would be rendered unnecessary.* To have inserted the name of the Queen, with a knowledge such as I possessed through my legal council, would, in my opinion, have been contrary to the laws of the kingdom; for among other charges which *might* have been brought forward against the Queen, was, "her probable conversion to the Roman Catholic faith." But to *postpone* the insertion of the name of the Queen, and afterwards to have been called upon to supply the omission, would, to her Majesty, have been a gracious act of acquittal, and restoration to regal honour; and I had a right to hope that such would be the result. Besides, the object and intention of the postponement of this insertion, was most certainly, not with a view to any proceedings against the Queen, but in anticipation of that continuance of mutual separation, which the Queen, in her letter of leave, declared to be "necessary to my future tranquillity."

I will suppose for one moment, the insertion to have been made. Had it been done under concealment from me, of existing circumstances, *my ministers would have been guilty of misprision of treason, and been liable to impeachment.* But as it was done with my knowledge; if ten thousands of ten thousand tongues were to demand of me, to tarnish the crown of your King, I would abandon it to the people rather than commit so great a crime. Whatever may have been the indiscretions of THE MAN, the future historian of England shall never record them as connected with THE KING.

It should not be overlooked, that the alteration of the Liturgy was also to regulate my own public devotion, as well as that of my subjects; should I not then by the special insertion of the name of the Queen, under existing circumstances, have most deservedly subjected myself to a charge of impious and detestable hypocrisy? "You have been praying yourself specially for the Queen, you Royal Hypocrite! whilst you have watched her destruction;" would have been a just and unanswerable accusation against me; an accusation, which, if well-founded, would have rendered the word of the King unworthy of belief.

Those only are the real exclusionists, who do not choose to comprehend the Queen, as implied in the words, "and all the Royal Family."

Had either the religious or legal considerations of this important point permitted me conscientiously to have inserted the name of the Queen in the Liturgy of the Church; all other minor considerations would have had no bearing upon the question; for that which would have been consistent with religion and law, could not have been *contra bonos mores.* I dwell

not therefore on the subject, as connected with the morals of the country, but in its consideration, and in all its vital bearings, I cannot but have contemplated the consequences of a Queen charged with high crimes and misdemeanors, sitting upon that throne so lately occupied by the personification of chastity and matrimonial excellence.

Will the virtuous and noble, the high-minded and chaste, the amiable and domestic females of England, adopt the Queen as an example and model worthy of their imitation? Will they pronounce her faultless? Will they compose her court? If I can place the Queen on the throne of my ancestors upon such terms, I am ready to do so. Upon none other, can or ought a Queen to sit upon the throne of pre-eminent England.

I proceed now to the offer of an ample allowance offered to the Queen, provided she continued to remain abroad in the retirement she had voluntarily adopted; and the alternative with which that offer was accompanied. I have pointed out *this transaction*, and the *suspension in the Liturgy*, as acts which *may appear* to have emanated more immediately from my own personal feelings.

I have previously remarked, that from the period of my becoming Regent, the differences between the Princess and myself had assumed a political character, and been treated by many as a party question.

The companions of my youth, and the distinguished characters with whom, in my earlier years, I had intimately associated, had created in the public mind, a widely-extended, and readily believed opinion, that when the sceptre of my Father should descend to me, I should, from among those associates, have

chosen the members of my administration. *During the* discussion of the terms of the regency, I was careful to avoid giving any pledge of the line of policy I might find it expedient to adopt. A short previous administration, composed of those political friends by whom it was conjectured my councils would have been directed, had enabled me to form some opinion of their executive talents; and *notwithstanding*, an overture was made by me to them, to propose an administration. But when I found the conditions required would have reduced me to a mere political automaton, of which they were to possess the key; that not content with forming the administration, they required also, that I should be surrounded in my household by their adherents, and left to no choice in the appointment of my own attendants; when with this, I compared the candour and the unequivocal absence of all personal feeling with which the bill creating the Regency was carried by the then ministry; and above all, the frank, loyal, and respectful regret which was shewn to the calamity of my revered Parent; and the so immediate provision made for the resumption by him of the regal dignity, that it should have pleased Providence so to have restored him, my Royal Father would have awakened as if from a dream, and have found himself unreminded of his affliction; when to this I added the important consideration, that the flame of freedom was beginning to glimmer in Spain; that the then administration were prepared to take advantage of every circumstance favourable to the destruction of the military tyrant of Europe; and when all these various considerations were upheld by the weight of personal character which was contained

in the then cabinet; I felt sufficiently justified in not suffering former prepossessions to stand for one moment in the way of newly-created duties. I felt that an existing experienced executive, was, at such a time, safer than a theoretical cabinet. I had also a doubt in my own mind, whether, during my Sovereign's life, I ought, as Regent, to adopt the principles of those who had been violently opposed to my Royal Father's measures, or pursue a line of policy unchanged, and such as my King would have continued had he remained the active head of the Empire. This was a feeling of the heart; it was mine.

This, my determination, produced two consequences; 1. A series of unbroken, glorious, and important victories, attended with such results, as the history of the world, within a similar period of time, cannot produce; 2. The conversion of my matrimonial differences into a political attack upon my authority.

From this moment, then, the Queen, by becoming the tool of party, gave to her cause and her conduct a new feature, and an importance which required the vigilant eye of the government.

I have been led into this digression, that the distinction I still endeavoured to uphold between my marital and royal station, might be plainly and easily comprehended. I return now to the consideration of the offer made to the Queen, of an allowance upon certain stipulations; *viz.*, that the Queen should *cease to use* the name and style of Queen of England, and remain abroad, where she had voluntarily seceded.

The period when this determination was decided

upon, must not be forgotten; it must not only not be forgotten, but it should be allowed its due weight in the decision of so momentous an affair. It appears almost, indeed, to be overlooked, that I met my first parliament in the month of April, at the very period, and while a set of infuriated, misguided and unhappy culprits were on their trial for a conspiracy to overturn the constitution and government of these realms, of which the commencement was intended to be, the indiscriminate assassination of my cabinet ministers. The general situation of the country, at that precise moment, appears also to have been thrown into the back ground. I cannot better recall those unhappy inauspicious moments, than by repeating again to my subjects the topics addressed to the Lords and Commons in Parliament assembled, upon our first meeting.

*My Lords and Gentlemen,*

"Deeply as I regret that the machinations and designs of the disaffected should have led in some parts of the country, to acts of open violence and insurrection, I cannot but express my satisfaction at the promptitude with which those attempts have been suppressed by the vigilance and activity of the magistrates, and by the zealous co-operation of all those of my subjects whose exertions have been called forth to support the authority of the laws.

"The wisdom and firmness manifested by the late parliament and the due execution of the laws, have greatly contributed to restore confidence throughout the kingdom; and to discountenance those principles of sedition and irreligion, which had been disseminated with such malignant perseverance, and had poisoned the minds of the unwary and ignorant.

"I rely upon the continued support of parliament, in my determination to maintain, by all the means intrusted to my hands, the public safety and tranquillity.

"Deploring, as we all must, the distress which still unhappily prevails among many of the labouring classes of the community, and anxiously looking forward to its removal or mitigation, it is, in the mean time, our common duty, effectually to protect the loyal, the

peaceable, and the industrious, against those practices of turbulence and intimidation, by which the period of relief can only be deferred, and by which the pressure of the distress has been incalculably aggravated.

"I trust that an awakened sense of the dangers which they have incurred, and of the acts which have been employed to seduce them, will bring back by far the greater part of those who have been unhappily led astray, and will revive in them that spirit of loyalty, that due submission to the laws, and that attachment to the constitution, which subsist unabated in the hearts of the great body of the people, and which, under the blessing of Divine Providence, have secured to the British Nation, the enjoyment of a larger share of practical freedom, as well as of prosperity and happiness, than have fallen to the lot of any nation in the world."

If to the pending trials alluded to, and this general reference to the state of the kingdom, suffering under severe privations in some of its provinces, are added the numerous cases of treason, libel, and minor political offences under the progressive cognizance of the courts of law; I think my subjects and countrymen will admit, that to such previously existing evils *no addition was wanting to renew internal agitation which was beginning to subside.* The return of the Queen, under the circumstances which she must necessarily meet, was, of all others, calculated to revive that internal agitation; and why was it so calculated? Because the Queen had (as I have previously remarked) given, by her conduct, a political feeling to the differences between us. Had this not been the case, she could not have had, at least she ought not to have had, any motives for her return; or had she any, she ought to have sacrificed them to the welfare of our country.

From 1796 we had been separated, a period now of twenty-four years; disturbed by an almost constant suspicion of her conduct: the Queen had been estranged from Court, our Royal Daughter was no more; and her Majesty had but one duty to perform

towards me, "the performance of an agreed separation."

A Queen Consort of England has no political rank, she possesses *in ease* of the Sovereign, certain inherent prerogatives; those prerogatives are capable of being enjoyed by her, in her absence; they required not her presence. The presence of the Queen could neither revive trade (languishing in some of its branches), tranquillize the irritation of distress, or conciliate the clamour of faction; and, indeed, many records of English History hand down to us, the impolitic and dangerous counsels, which have ensued from the interference of Queens Consort in the political contests of the times. Although by way of eminent distinction, the word "Queen" is applicable only to the King's wife, yet, it originally signifies a wife, or woman. A Queen of England (unless Queen in her own right,) is a subject of the King, and can claim no political character from the people; to her, at a coronation, no oath is administered, and no homage or allegiance offered. The coronation of a Queen is distinct, and subsequent to that of the King; it is not at all necessary to the accession or title to the throne; and when performed, is a ceremony so performed for the greater honour of the kingly office. It proceeds from the King*.

If, therefore, I am to define the office or duty of a Queen Consort, I might sum it up in a few words, "To give a tone to *the morals* of the country." Does not the late reign furnish an indisputable proof of the truth of this axiom?

Since then the Queen had deprived herself of the

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* Taylor's *Glory of Regality.*

possibility of performing the duties of her station, and her return could produce none of those effects which were so evident during the long reign of my late Royal and revered Parents, could the next object of my solicitude be otherwise, than an attempt, still to treat the long borne separation, as a personal and domestic transaction?

The Queen was growing old, we are both beyond the hey-day of life, and the levities of conduct attributed to her, might now be supposed to have worn or to have been wearing away. Our country required political repose; and, above all, an internal quietude. Had no charge of adultery at all existed, there were sufficient grounds on both sides, for wishing, and for rendering desirable, a continuance of the existing separation.

In private life, what would the friends of a married couple, so long divided as the Queen and myself have been, think of the conduct of a wife, who would wish to return to her husband, under circumstances, such as have occurred between us? Would any female in England so *meanly* conduct herself? Would any husband in England so take back a wife? If he would not, why should your King? If the female would not so return, why should the Queen? You will tell me, "To claim her rights." I reply, that the Queen possesses no political rights; but certain prescribed prerogatives; those prerogatives are legally defined; their value as personal advantages can be ascertained, they can be enjoyed by the Queen, as well absent as present. I have offered her an equivalent. You will tell me, "That *she chooses* to return to our country, and that I have no right to restrain her." The Queen has chosen to re-

turn, and by the laws of the realm must she now abide; the Queen is my subject.

If, then, I am asked, "Why did I offer the Queen fifty thousand pounds a year to remain abroad, and cease to use openly the style and title of Queen of England," I answer, "To purchase the tranquillity of my country; to prevent a recurrence of those acts which had seduced so many of my subjects into danger, and to bring them back to that spirit of loyalty, that due submission to the laws, and that attachment to the constitution, which I hope still subsists in the hearts of the great body of my people;" all which I knew would be endangered by the *selfish return of a Queen*, who never can, and never will, sit upon the throne of England whilst George the Fourth wears the crown of his forefathers; until the female nobility shall, in a body, justify him in such act, with their sanction and presence, every other rank of the virtuous and the chaste would coincide.

Before I conclude this subject of an offered pension, I cannot but regret extremely, that the chance of cool and dispassionate deliberation which the Queen might have been disposed to have given to my offer and its alternative, was greatly diminished by the neglect of her Attorney-General, in the delivery of an ultimatum communicated to him in the month of April. Such neglect rendered Lord Hutchinson's communication so much the more sudden, stern, and unexpected. Of the zeal of that gentleman (her Majesty's Attorney-General) no one can entertain a higher opinion than myself; for his own sake, I may be allowed to say, that nothing disgraced his advocacy, but the threat of personal danger held out to the assembled Peers

Peers of the realm. Otherwise, who would not wish to have a cause so defended? Had also her Majesty's Solicitor-General omitted one or two similes in his declamation, he had also retired from his duty with more dignity. Upon the grounds of the case I am silent; but, looking to the conduct of the Lord Chancellor, the differences which existed between the members of the cabinet; the splendid and argumentative talents of the Opposition, all tending and working together to elicit truth and produce an impartial judgment; I may fearlessly ask, if, under such principles and in such an assembly, justice is not to be found? I ask, fearlessly, where does she dwell upon earth? I view, finally, the pause which this unhappy affair has taken, as a striking proof of that inflexible adherence to parliamentary avowals, which combines the good man with the great minister; and as the performance of the pledge, that "the Queen should have an equivalent for any and every obstacle which the anomaly of her case presented in the obstruction of her trial."

I am now drawing towards the close of this my letter, in the which my faithful subjects and excellent fellow-countrymen will (I trust) agree with me, not only that the difference existing between her Majesty and myself arose out of a domestic cause, and was solely of a domestic nature; but that all the popular feeling which has been excited, has arisen from the political misdirection imposed upon the transaction, a transaction important to the nation only as it can be connected with their welfare. How that welfare can be promoted by forcing upon a loathing husband an equally loathing wife, appears to me, a problem in government, not

easily to be maintained in argument, or proved by historical reference. If I am unhappily united to a bad wife, or the Queen be under the caprice of a bad husband; provided those unpleasantries be confined within the limits of our personal conduct, and are not mixed up with affairs of state, I see then no impediment to the due constitutional performance of my duties as King: but on the contrary, if the people disturb my kingly office, and clog its executive or dignity with an unseasonable family blister, the chance is that the system of government may become ill executed, greatly obstructed, or completely embarrassed. If such is the aim of the partizans of the Queen, I have then only to declare this my determination, "That if the claims of the Queen can make no impression on me *upon their own merits*, any political association which she may form to give weight to, or to disguise such claims, will only call forth from me as your King, a firmer defence of my own rights, which are the rights of the constitution under which I, the nobles, and the people, all alike find reciprocal protection."

My people will now (I trust) begin to allow themselves more clearly to define, and more accurately to preserve the distinction between my conduct as Prince of Wales, with reference to the purity of the succession to the throne of my forefathers, and my behaviour as a separated husband. In the one case, the performance of painful public duties has devolved upon me, but I feel satisfied that their unavoidable performance has not been accompanied by uncourteous or vexatious personal conduct. To the high individual as a separate wife, every attention has been invariably paid, and upon

every occasion, money has been at her command for the purposes of comfort, pleasure, or fickleness. Surely, in return for such complete observance of the terms of mutual separation, the Prince of Wales had a right to expect the performance of the only duty remaining to be performed by, and the only one required of, the Princess; namely, "*An unquestionable and unequivocal propriety of conduct.*"

I could not probably fix upon a more convenient or appropriate mode of portraying the consequences of the present public effervescence than by anticipating the sentiments which some historian of my reign may hand down to future ages. I will do this in two ways; *First*, Upon the supposition, that the Queen (even after what has already occurred,) will be reinstated in all the prerogatives of her rank;" *and secondly*, "That the Queen will remain estranged from the crown."

IN THE FIRST CASE, the historian may be supposed thus to express himself: "George the Fourth, after a Regency of nearly nine years, succeeded to the throne of his venerable and most excellent Father, whose eventful reign had extended beyond the period of any other British Monarch. The brilliant events of the Regency of George the Fourth, unparalleled in history, are already recorded; his reign commenced amidst domestic losses, (his Brother, the Duke of Kent, having died very suddenly at Sidmouth, in Devonshire, six days only before their Royal Parent) public agitation, and great national distress, attended with all those factious symptoms, which the English History appears almost invariably to record, as a symptom of peace. A month had not elapsed, before a most atrocious conspiracy, aiming no less than at

the indiscriminate assassination of all his Majesty's Ministers during a cabinet dinner, was detected. On the twenty-first of April, His Majesty met his parliament, and in his Royal Speech upon the occasion, alluded to the disquietude and distress of the kingdom, hinted at their cause, and expressed a hope, that in the returning loyalty and legal obedience of the people, a remedy for those evils would be found. The atrociousness of the conspiracy alluded to, had opened the eyes of the supine, and alarmed the fears of the timid; and a more imposing public attitude being consequently produced, tranquillity was gradually increasing into confidence. At this moment, it pleased the Queen, (who had now been separated from her Royal Husband *twenty-four years*, and had estranged herself from England for six years,) to return from the continent under the auspices of *one* Wood, an Alderman of the City of London. The Queen returned, in the teeth of a proposition from the administration, that she should still continue to remain abroad, and not seek to disturb a connexion so long broken off; and in defiance of a threat, that judicial proceedings would follow her landing. The intrepidity of her conduct was well calculated to please the English Nation, and this daring and inconsiderate step, (a step which her own legal adviser pronounced to be unhappily taken, both as regarded herself, the parliament, the government, and the country) was rendered immediately popular by the epithet of *brave*. Would any but an innocent woman (said the populace) have thus conducted herself?

Whilst the Queen was pursuing her journey from Dover to the metropolis, a royal message was

delivering to parliament; and papers in sealed bags brought down to both houses. The Queen arrived on the very day on which his Majesty went down to the House of Lords, to give his assent to the first bill passed since his accession. After various ineffectual delays, in the hope of effecting an arrangement, by which the Queen might have again leftt he kingdom; the House of Lords proceeded to appoint a secret committee, to examine the documents sent down to them (the House of Commons suspending their proceedings,) and shortly made a report on the same, charging the Queen with an adulterous intercourse with a menial of the name of Bergami, or Pergami, on whom she had conferred, or for whom she had procured, certain titles and orders of distinction. A bill of Pains and Penalties was thereupon brought in by the Earl of Liverpool, after long and elaborate arguments upon the propriety and applicability of the proceeding, had taken place in the House of Peers. The case presented an anomaly, for no statute existed, applicable to a charge of adultery committed by a Queen of England, *abroad and with a foreigner*. This nice distinction took the offence from within the pale of high treason, for inasmuch as the principal was not amenable to the laws of the country; consequently, the *particeps criminis* could not be judicially recognized by the statutes of treason. Every preliminary of this great measure, was discussed to the very letter, with a degree of eloquence and profound learning which reflected unfading lustre upon the House of Peers, and on the individual noblemen, who led both sides of the debates. The question appeared new, and every aspect of its bearing was

most minutely and rigidly examined; great debate more particularly took place on the question of allowing to the illustrious accused, a list of witnesses, as in cases of high treason; when it was at length decided to open the case, produce the evidence, and allow the Queen an interval, (such as her counsel should deem requisite) to prepare her defence. Thus her Majesty was not only supplied eventually with a list of witnesses; but had the further guide of their sworn testimony. The Attorney General, (Sir R. Gifford,) opened the case according to his instructions, and by command of the House, with little preliminary remark, and certainly without inflation. Her Majesty's cause was less upheld by the evidence of the witnesses against her, (of whom the popular feeling pronounced a pre-judgment of perjury,) than by a deficiency of refutation on her own part. The Queen was most ably, most zealously, and most eloquently defended by Messrs. Brougham, Denman, Lushington and others; and the House bore the license of their harangues with a noble equanimity of patience. After hearing both the charge and the defence, which occupied forty-five days, the House adjourned two days, before it met to debate the principle of the bill; which discussion occupied four days. The second reading was carried by a majority of twenty-eight, the numbers being *for it* 123, *against it* 95. During the progress of the measure, several protests were entered on the Journals of the House, in one of which the Lord Chancellor and the Prime Minister were directly opposed to each other; a brother of the King absented himself wholly from the investigation; a cousin of the King voted against

the measure in all its stages; both the Ministry and the Opposition were divided amongst themselves, and intermingled their votes; the preamble of the bill underwent but little alteration in the committee: and in the clause for pronouncing a divorce as part of the pains and penalties, all the Cabinet Ministers, (nine) voted against it. * The divorce clause was however carried by a majority of 67, there being contents 129, non-contents 62. Most of the peers who had till this moment contended against the principle of the bill in all its stages, argued (with much plausible appearance of reason) that since the Queen was virtually pronounced guilty of an adulterous intercourse, by the votes of the second reading; *divorce became the natural consequence, as part of the sentence of the bill*, they therefore voted for it. The third reading of the bill, was carried on the 10th November, by the small majority of nine; the numbers being for it 108, against it 99.

Lord Liverpool, (who had brought in the bill, as an individual peer, and not as a member of the administration), immediately moved, that "the bill be read that day six months," alleging the smallness of the majority, as the motive *.

* Bill [as read a third time,] entitled, An act to deprive her Majesty, Caroline Amelia Elizabeth, of the title, prerogatives, rights, privileges, and exemptions of Queen Consort of this realm; and to dissolve the marriage between his Majesty and the said Caroline Amelia Elizabeth.

Whereas in the year one thousand eight hundred and fourteen, her Majesty Caroline Amelia Elizabeth, then Princess of Wales, and now Queen Consort of this realm, being at Milan, in Italy, engaged in her service, in a menial situation, one Bartolomeo Pergami, a foreigner of low station, who had before served in a similar capacity: And whereas after the said Bartolomeo Pergami had so entered the service of her Royal Highness the said Princess of Wales, a most un-

*The friends of the Queen received this unexpected* reprieve from the bill, after proof of the facts, and admission of their reality, as a total and complete

becoming and degrading intimacy commenced between her said Royal Highness and the said Bartolomeo Pergami, and her said Royal Highness not only advanced the said Bartolomeo Pergami to a high situation in her Royal Highness's household, and received into her service many of his near relations, some of them in inferior and others in high and confidential situations about her Royal Highness's person, but bestowed upon him other great and extraordinary marks of favour and distinction, and conferred upon him a pretended order of knighthood, which her Royal Highness had taken upon herself to institute, without any just or lawful authority: And whereas also her said Royal Highness, whilst the said Bartolomeo Pergami was in her said service, further unmindful of her exalted rank and station, and of her duty to your Majesty, and wholly regardless of her own honour and character, conducted herself towards the said Bartolomeo Pergami, both in public and private, in various places and countries which her Royal Highness visited with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse, with the said Bartolomeo Pergami, which continued for a long period of time, during her Royal Highness's residence abroad; by which conduct of her said Royal Highness, great scandal and dishonour have been brought upon your Majesty's family and this kingdom. Therefore, to manifest our deep sense of such scandalous, disgraceful, and vicious conduct on the part of her said Majesty, by which she has violated the duty which she owed to your Majesty, and has rendered herself unworthy of the exalted rank and station of Queen Consort of this realm; and to evince our just regard for the dignity of the crown, and the honour of this nation; we, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons in parliament assembled, do humbly entreat your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual, and temporal, and commons, in this present parliament assembled, and by the authority of the same, that her said Majesty, Caroline Amelia Elizabeth, from and after the passing of this act, shall be, and is hereby deprived of the title of Queen, and of all the prerogatives, rights, privileges, and exemptions, appertaining to her as Queen Consort of this realm; and that her said Majesty shall, from and after the passing of this act, for ever be disabled and rendered incapable of using, exercising, and enjoying the same, or any of them; and, moreover, that the marriage between his Majesty and the said Caroline Amelia Elizabeth be, and the same is hereby, from henceforth for ever, wholly dissolved, annulled, and made void, to all intents, instructions, and purposes whatsoever.

*acquittal of her Majesty from* all charge of criminality; *and proclaimed their sense of her innocence* by rejoicings and illuminations; to which the Lord Mayor of London, two days old in office, gave his young countenance. Less riot and disturbance, however, took place than might have been expected; but this was principally owing to the moderation of their antagonists; who (whatever might be their opinion of the guilt or innocence of the Queen, and did not consider a happy escape in the light of an honourable acquittal) were not disposed to thwart the effect of a delusion which appeared in many of its features to portray great generosity and sympathy in supposed sufferings. The Queen returned thanks in the church of the hamlet of the parish in which she resided, and a second time on the 29th of November, at St. Paul's, escorted by the voluntary association of her friends, and was received with due civic honour at Temple Bar by the young Lord Mayor of London. Immense as was the crowd assembled, judicious regulations, prompted by the high responsibility which the young chief magistrate took upon himself on the occasion, prevented all confusion or accident. The King had previously adjourned both Houses of Parliament, without a Speech either from the Throne or by his Commissioners. The Speaker of the House of Commons was hissed as he proceeded to follow the Usher of the Black Rod to the House of Peers; nor did he (there being no Royal Speech, but merely a command to adjourn) again enter the House. This mode of separation appeared to the nation very ungracious, and the disturbed reign of Charles the First was ransacked for precedents.

But the King could hardly have avoided reference to the proceedings of the Lords, and the more especially as the Commons had been adjourned, subject to a call of the House, and to meet only for business, in the event of the Bill of Pains and Penalties coming down to them. On the whole, then, it appeared better to leave the ungracious mode of adjournment for explanation till the next Sessions, when men's minds might have acquired greater power of discrimination, a quality very seldom in request on popular occasions.

Thus far have I brought down (and, I trust, fairly and dispassionately) the outline of this transaction, as it occurred; and with this outline (which will serve, as far as it goes, for both speculations, that of preceding "the restoration of the Queen to all her prerogatives and her court," and that of still "restraining her from their enjoyment and exercise,") I go on, in my assumed character of an historian, to observe on the consequences of such opposite results.

*First then,* the historian may hereafter portray the consequences of the Queen's restoration to her prerogatives and court, *in the following manner:*—

"Whether the ministers mistook the popular clamour for the real feeling of the nation, or were unwilling to resign their seals of office; or whether they were intimidated by the examples of Spain, Portugal, Naples, and Sicily, all at this time changing their form of government, with more or less of violence; they advised the King *to feel no impediment* to the public reception of the Queen; who, having now the vantage ground, insisted upon the insertion of her name in the Liturgy, and the ex-

punging from the Journals of the House of Lords, of all the proceedings connected with her case, as preliminaries to such reception. The first was readily accomplished; to procure the second, the Prime Minister and the Lord Chancellor (two of the most able ministers and upright men of the day) having retired in disgust, every parliamentary finesse was resorted to; and, at length, with great difficulty, and amid violent debates and mutual recriminations, the point was carried by a majority of one; there being for the expunging 91; against it 90. Bonfires and illuminations, strong beer and roasted beasts were, for a whole week, the order of each successive day; and in so great a joy, few troubled themselves to calculate upon futurity.

"But short was the delirium, and dreadful the consequences.

"The King was laughed at, and pitied as a dupe, the Queen was openly scorned, faction was triumphant, no competent administration could be formed, and monarchy was on the wane. Those who had opposed the Queen, not from vindictive motives, but to justify the honour of the crown, felt no longer an attachment to a bauble undignified with the jewel of female chastity. The court was seldom held; when held, neglected; official levees supplied its place. The higher and respectable ranks of life withdrew within their own pure and virtuous associations; and that intermixture of society which is the true essence of a free government and a virtuous court, no longer existed. Rich, vulgar plebeianism took the lead in public. At foreign courts, the younger branches of the nobility experienced great difficulty of reception, not having chosen to be pre-

sented at their own; but when received at such courts, it was considered as a matter of especial favour conceded to their peculiar situation. Thus was the national character subjected to sarcastic insult; and thus was the lustre of the Crown of England obscured; for whatever might have been the personal faults of its sovereigns, as individuals no more exempt from human frailty than the humblest of their subjects, but rather more exposed to their commission; yet the Crown of England had been entitled, for the last century at least, to the homage due to unsullied and unquestionable honour. Such were some of the effects of the Queen's restoration.

"The evil, however, stopped not here; scarcely had sufficient time elapsed to justify inconsistency, than the truth of the original charges against the Queen was loudly revived by that very press which had forced her innocence down the throats of the nation. The levellers and jacobins, who lorded over public opinion, professed to defend their change, by the discovery of some new evidence which (said they), had we known before, would have produced a different opinion. Thus, the very men who had so conspicuously advocated the cause of the Queen; who had poured into her ears addresses of congratulatory exultation; who had headed her processions, and maddened the populace in her behalf; these very men, who had artfully drawn her to the very precipice of rebellion against her husband and King; these men, from whom she could not but have expected eternal friendship and never-ending adulation, finding her without influence or patronage, became within six months, her scorn-

ful foes. These very men, who had provoked the measure of expunging the whole transaction from the Records of Parliament, and who would fain have burnt, in one huge pile, every paper and every Journal which contained the adulterous evidence, themselves were the first to direct the same press which had borne down all opposition against her, to insult, remind, and mortify her. The reign of terror had commenced. Such were the effects of this unaccountable delusion! Such were the consequences of excusing and exalting vice on the frail plea of political expediency!!

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I proceed now (still in the character of a prophetical historian) to mark the consequences which might follow the Queen's continued restriction from the public exercise of her prerogatives.

"On Friday, the 10th of November, this bill of Pains and Penalties passed the third reading, when it was *suspended*, under the form of being read that day six months, and the Lords adjourned to the 23d, the day on which the Commons were to meet, to pursue (if necessary) this important affair. On the 23d both houses met, and were instantly prorogued by Commission, without any Royal Speech. This hasty procurement of separation gave great offence to the Queen's party; the House of Commons being summoned at the very moment when the Solicitor General of the Queen was about to communicate to the House, *a message* from her majesty.

"It was evident that the King could have made no Speech to the Houses of Parliament, omitting all reference to the late momentous transaction. Had his Majesty said, that he regretted the issue of

it, he would have committed himself personally, besides being guilty of the most unconstitutional error; *that of presuming to know a parliamentary proceeding in transitu,* for as yet the bill was not absolutely abandoned. Had his Majesty, on the other hand, made a Royal Communication, omitting, as he must necessarily have done, all reference to the bill in question; it might have been inferred, that future proceedings, in any shape, were abandoned; besides, the interval of adjournment was but for *two* months, and not *seven or eight,* as usually happens, the bill having driven the attendance of both houses to a most unusual lateness. It was deemed therefore most prudent, to encounter the accusation of an ungracious prorogation, for so short a period as two months, rather than be hurried into any hasty avowal. But had there been no such prudent ground for the proceeding, it was sufficiently justified by the subsequent conduct of the Queen; who assumed to herself an authoritative act of government, having prepared her official adviser with *a message* to be delivered to the Commons House of Parliament; a step which might well alarm the servants of the Crown, and indeed the whole nation; for it aimed, in the shape of a message, at a share of the Monarch's power, which the Queen Consort does not possess, *being only a subject* *. It is a radical error, for a Queen Consort to call the

* "The Queen hath also many exemptions and minute prerogatives. For instance, she pays no toll, nor is she liable to any amercement in any Court. But in general, unless where the law has expressly declared her exempted, *she is upon the same footing with other subjects;* and not his equal: in like manner as in the imperial law: '*Augusta legibus soluta non est*'" *Blackstone*, cap. 4. page 220.

King's people, *her people*, or for the King's subjects to call themselves the subjects of the King's wife; it is a fault of misdirected loyalty. We may call ourselves, by way of courtesy, the Queen's most dutiful and affectionate *servants*; but legally and constitutionally we can only be the dutiful and affectionate *subjects* of 'the King.'

"During the interval between the prorogation and the meeting of both Houses, the Queen proceeded to Saint Paul's, continued to receive Addresses of Congratulation, and renewed unsuccessfully her application for a Royal Residence. But the people had now time to reflect, to compare, to decide. John Bull is never long misled, and now discovered in the case, premature judgments, audacious falsehoods, attempts at intimidation, and unproved assertions; above all, a complete absence of all those promises of refutation, which had been so lavishly and so loudly proclaimed; and the non-performance of which was the more extraordinary, inasmuch as the persons who might, if they could, have given such testimony, were already in England, and at the Queen's command.

"Upon the meeting of Parliament, the Commons desired a conference with the Upper House, and having thereat obtained leave to search the Journals of the Peers, they became constitutionally acquainted with the late proceedings. They found therein a sentence of guilt pronounced, which (to say the least of it,) was tantamount to the effect of a true bill by a grand Jury.

With this impression upon their minds, the Commons soon felt, that the question was now completely in their own hands. The passing of the

Civil List bill was exactly the period, when their influence would become apparent: but they previously determined once more to address the Queen, by the same deputation, which had gone up on a former occasion. This address commenced by the firm and dignified assurance of the unshaken attachment of the Commons to the throne, the constitution, and the altar, and their determination to preserve them from every attempt of factious anarchy. It proceeded to express great regret for the past, and a hope that by conciliatory measures, all further personal legislation would become unnecessary. It assured the Queen that she might rely upon the continued care and attention of the commons; should her Majesty, by sacrificing some part of her high claims, be the means of restoring tranquillity to the public mind. It intimated that some points on which the Queen had heretofore insisted, might be the subject of future and favourable consideration; but that time was necessary to produce a change, which should justify their concession; and it finally dwelt upon the total impossibility, that even should the Queen gain the object of her wishes, it would (under existing circumstances) be attended to her with happiness or peace of mind."

"In answer to this address, the Queen made but few remarks; but principally dwelt on the utter impossibility of quitting a nation, who had treated her with such unbounded generosity, and espoused her cause with such enthusiastic ardour; and finally proposed, that three friends, appointed by herself, should confer with the deputation of the Commons, and agree upon a basis for a complete adjustment." To this it was objected, that the deputation had no

such power of treating; but the difficulty was *eventually got over, by their consenting to meet the friends of the Queen as individuals, and subsequently use their exertions to induce the House to* adopt such a course of conduct, as might result from the conference; after two meetings it was eventually agreed, *that the Queen should return to Saint Omer's, and find herself placed in the same situation, as she would have been, had her legal advisers delivered to her Lord Liverpool's communication of April, previously to that made by Lord Hutchinson.*

"This departure was accomplished in so unexpected and in so judicious a manner, as far as the coast, that until the Queen was saluted by the guns at Dover, on her embarkation in a Royal Yacht, it was but just rumoured. The Queen was accompanied by two of her legal advisers, who were met by two others, on the part of the Crown. The departure of the Queen being made known to the Parliament, a most gracious vote of thanks was passed in both Houses; the Commons renewed their assurances, that they would pay all due attention to her Majesty's interests. The Civil List bill was expeditiously passed, and a Royal Message brought down to both Houses by Ministers, in which the King thanked the Commons for the generous provision made for the Queen's future comfort. Her Majesty's Attorney-General, also on his return from Saint Omer's, expressed the Queen's thanks, accompanied by her regret, on leaving England; but attributing the step she had taken to a thorough conviction that she could never hope to promote the happiness of the King; and therefore her next wish was to contribute to the tranquillity of the Kingdom.

He also adverted to the impaired health of the Queen; and the possibility, that she might not again return to the Country of her adoption.

Thus ended an affair which could not possibly have happened at a more critical moment, for whilst it was proceeding, military revolutions were following one another, through the South of Europe; and that the mania did not extend to England, can be attributed solely to the sound principles of the vast majority of the Kingdom; principles which were daily and hourly assailed, by a venal press; and by a system of the most pernicious, irritating, and base political libels, and personal caricatures. But on this occasion the Constitution floated above the passions of the people, safe and unhurt as her Navy rides on the turbulent billow, which dashes against Albion's rocky sides.

"Amidst these internal commotions, it pleased Providence to bless the kingdom with a most abundant harvest; so that the winter passed over with much less proportionate privations to the humbler classes of the community. Indeed it may be rather said, that such heavenly bounty, administered by charitable hands and feeling hearts, rendered distress unknown. The following Spring found the whole nation, except certain disappointed speculating politicians, in good humour; and the moment was most judiciously seized to administer to the whole United Kingdom, the oath of allegiance. The ceremony was accompanied by every mark of joy and magnificence; it was indeed a national banquet. ON THE TUESDAY, the magistracy took the oaths in the county towns. ON THE THURSDAY, the population took them in every city, town, and

village, in the following manner: Lists had been previously signed, and to each list was prefixed a power by deputation to some person therein named, to take the oath publicly for as many persons as were contained in such list; and by its form, all persons therein subscribed were held to be bound by the oath of allegiance, recited also in such instrument. ON THE SATURDAY, the Army took the oaths, by regiments, squadrons, and detachments, at their individual quarters; and the Navy by fifties, after the form of the general population. This splendid and national rejoicing seemed to annihilate every spark of disaffection.

"In the Autumn, the coronation of his Majesty took place, and the first Act of Grace performed immediately after, was, '*to expunge from the Journals of the Lords all the accusatory proceedings connected with the Queen of England.*'

"This last step was considered an act of oblivion, and a compliment to the crown." The Queen remained abroad during her life, in conformity with her word of honour."

* * * * * * * *

And now, my faithful subjects, and well-beloved fellow-countrymen, your King takes his leave, recommending the alternative to your attention, and praying to the God and Father of us all, that he will so direct your steps, as to lead both to your temporal and your eternal happiness; praying also that the crown of his forefathers may not be dishonoured on his head, but that mutual love and confidence may render happy both King and People.

My excellent subjects, may God Almighty bless you——Farewell.

GEORGE.

## APOLOGY.

Should the readers of the preceding Letter, have entertained doubt of its authenticity, the Author and Publisher beg leave to satisfy those doubts, by stating, "That it is one of those literary fictions, which can only be justified by a good cause." Indeed they feel so high a degree of veneration for the sacred name of "The King," which, (speaking constitutionally), "Never dies;" and so anxious a desire, that nothing directly or indirectly should appear to trifle with its use; that, previous to their determination to publish, they submitted the following Question to the opinion of a most eminent Counsel; which question at once proclaimed the author's motive, and the answer subjoined, contains (we trust) our justification.

## THE QUESTION.

Suppose A. writes a letter entitled "A Letter from the King," and having written and published such Letter, states, in a Postscript annexed that such title was adopted to excite curiosity; and extend its political utility; and that such Letter was neither directly or indirectly written by the King; will such acknowledgment take the assumption of the King's name, out of any and every statute of *premunire?*

## OPINION.

I am clearly of opinion, that such acknowledgment as is proposed, will take the Letter out of the Statutes of *premunire*. The term and the offence *premunire*, are now merely sounds: but I decidedly think, that the Letter proposed, written in the tone and spirit which is suggested, will not render the writer responsible to *any penalty whatever*.

*Temple, December 4th*, 1820.

Thus far as to the legality of the act; but should our most gracious Sovereign chance to see a Publication thus imputed to him; we beg leave most respectfully to deprecate any sentiment of personal dissatisfaction, which he may feel at our bold as-

sumption; assuring The King, that he does not possess among his people, more disinterestedly loyal subjects, than the Author and Publisher of this Letter.

## POSTSCRIPT TO THE FOURTH EDITION.

The Amanuensis of this Letter has heard many observations made on this bold attempt of imputing to his Sovereign the sentiments contained therein. He has taken some pains to discover the feelings of the parties raising objections to it; as well as of those who consider it a *timely* boldness. He has the satisfaction of finding, that those are most violent against it, who are unable to answer its argument; and those talk insidiously of this abuse of the King's name, who are great admirers and encouragers of caricatures on his person. In some cases, there is also (even among those who think with himself) a scrupulous feeling as to the mode in which his thoughts are conveyed. Such feeling is conscientious and honourable, but on this occasion, *over nice*. The mode adopted was the only one, capable of producing a dispassionate review of the King's case; it has succeeded beyond the most sanguine expectation, as four editions within a Fortnight testify.

## POSTSCRIPT TO THE FIFTH EDITION.

From the moment of deciding upon the bold step of publishing this Letter, it was also determined never to notice any reply, attack, or abuse of it. We are most happy to know, that it has convinced many of the most violent advocates of the Royal Tenant of Brandenburg House, of their injustice towards their noble-minded Sovereign.

THE END.

LONDON:
PRINTED BY WILLIAM CLOWES,
Northumberland-court.

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A

# LETTER

TO

## SIR SAMUEL ROMILLY, M.P.

M. Bryer, Printer, Bridewell Hospital, London.

A

# LETTER

TO

SIR SAMUEL ROMILLY, M. P.

FROM

HENRY BROUGHAM, ESQ. M. P. F. R. S.

UPON THE

# *ABUSE OF CHARITIES.*

London:

PRINTED FOR LONGMAN, HURST, REES, ORME, AND BROWN,
PATERNOSTER-ROW; AND J. RIDGEWAY, PICCADILLY.

1818.

# LETTER, &c.

ERRATA.

Page 2, line 2 from bottom, for *repeat*, read *repeating*.
—— 33, line 8 from bottom, for *in any*, read *even in*.
—— 38, line 4, dele *that*.
—— 44, line 18, dele *thus*, and insert *as it is*, after *constituted*.
—— 45, line 1, dele *as I have shewn*.
—— 52, line 20, before *the* insert *while*.
—— 64, line 7, from bottom, for *diminishes*, read *restricts*.
———— after *numbers*, insert *by diminishing poverty*.

of the House, or authorized by the appointment of a Committee to undertake the management of any important legislative measure, is respon-

sible in the first instance for its success; and if he has, by influence which he could not resist, been prevented from pursuing his object in his own way, he owes to himself the duty of shewing to whom the blame of the failure belongs. Yet I hardly think I should have been induced to give this explanation in the present case, had the comparatively insignificant question of my own conduct been alone involved in it. My belief is, that great as the errors are which have been committed, some good may yet be attained by directing the public attention to the proceedings under the Act; while, at all events, the defects of that measure, and of the steps already taken to execute it, can only be supplied by a full discussion of the whole subject.

I believe there never was a measure brought forward with more deliberation than the Bill for inquiring into the abuse of charitable funds. The Education Committee of 1816, having observed many instances of malversation and of negligence in the management of such property, recommended a parliamentary commission, as the most effectual and economical mode of bringing to light the still more numerous cases of abuse which every one suspected to exist. In 1817, the Committee again met; but my illness prevented it from doing more than repeat the recommendation of the former report. We

knew well enough that a bill might easily have been carried through Parliament during the remaining part of the session; but sufficient time for maturing the details of the measure was wanting, and we felt the propriety of avoiding every thing like rashness, even at the risk of being charged with procrastination. As soon as we were again appointed, last March, we applied ourselves to the subject of the Bill, and its introduction being recommended in our report, I was instructed to move for leave to bring it in. I did so early in April. Every day's inquiries in the Committee demonstrated the necessity of the measure, and threw light upon its details. Skilful professional men assisted me in preparing the Bill; it underwent a minute discussion above stairs; it was then communicated to His Majesty's Ministers and to the law officers of the Crown; and, as there was reason to apprehend that the principal opposition to it would be made in the Lords, it was submitted to the highest legal authority in that House, as well as to the Secretary of State for the home department, to whose province, I was informed, the subject in an especial manner appertained. About ten weeks elapsed from its introduction to the passing of the Act; the whole time being occupied in discussing its provisions, and in altering almost every part of them again and again. I believe it was printed not fewer than six times.

If the framers of the measure cannot be accused of rashness or impatience, so neither are they liable to the charge of party-feeling or of undue prepossession in favour of their own views. The Committee, composed of above forty members taken indiscriminately from all parts of the house, have agreed in every matter that has come before them from the first day of their appointment in 1816. I do not recollect a single instance of a division. Of course, as always happens in committees, the regular attendance was confined to a few upon whom the labour chiefly devolved; but these were for the most part gentlemen who differ with me in politics; and a constant communication being maintained between those who took an active part in the inquiry and those who attended but seldom, the least dissension among us would have led to an immediate assembly of the greater part of our numbers. I have therefore a right to assume that a real and complete unanimity prevailed among us in all our proceedings.

Having the fortune to take an active part in the political business of parliament, and to be involved in its contests, I was peculiarly solicitous to avoid every thing that might seem to proceed from party attachments or dislikes. For a proof of this, I appeal to those members of His Majesty's government with whom I had the honour of communicating from time to time; and

I am confident they will admit that I received every suggestion of theirs with the greatest respect. Indeed the changes which I adopted, at their desire, sufficiently prove that, if I am liable to any charge, it is to the imputation of having surrendered too many of the provisions originally made in the Bill. It is material that a few of these changes should here be mentioned.

As the Bill at first stood, the Commissioners were to be named in it. The Ministers proposed that the appointment should be vested in the Crown; that is in themselves. To this important alteration the Committee with extreme reluctance submitted rather than assented. We were aware that upon the fitness of the persons selected to carry on the inquiry its success mainly depended. We had before us the examples of the Commissions of Public Accounts, and of Naval and Military Inquiry, from which the country had derived the most signal benefits, chiefly, as we conceived, because the acts establishing those Boards had nominated the members who were to form them. No private selection of Commissioners, how conscientiously soever it might be performed, could give the same security against improper or inefficient appointments. Without accusing the Minister to whose department it belonged, of so foul a crime as a wilful prostitution of patronage in

this most delicate matter, we felt that all men in high office, are beset by applicants; that they must frequently trust to others for their information as to individual merit; and that private friendships often blind very respectable persons in the reports which they make or the suits which they prefer. We could not indeed believe that the Secretary of State was capable of chusing men whom the place might suit, rather than those suited to the place; that he could shut his eyes to the claims of acknowledged merit, and prefer unknown persons backed by powerful supporters; or that, instead of regarding their fitness for the new office, he should bestow the salary as the wages of former service. Least of all did a suspicion ever enter our minds that care might knowingly and wilfully be taken to avoid those men, whose zeal for the cause, and whose habits of investigation gave a certain pledge that all abuses would be sifted to the bottom, and that the guilty would in no station be spared. Yet we were afraid that a certain degree of carelessness or easy goodnature, the almost necessary attendant upon official habits, might be shewn in the selection; and that he whom we were willing to believe incapable of voluntarily converting into a job the most sacred part of his patronage, or of taking precautions to screen the enormous delinquency of robbing the poor, might from im-

perfect information and in the hurry of a busy department, chuse Commissioners far less adapted to the objects of the Act than those upon whose fitness a publick decision by the voice of Parliament should be pronounced. To assist the Legislature in making this selection, we had applied ourselves with much attention in the Committee, canvassing with perfect freedom the qualifications of many gentlemen who were at different times offered to our notice. And we were prepared to propose a list, in which was to be found the name of no one connected by ties, however remote, with any of ourselves. I may add, as far as regards myself, that all but one were of political connexions adverse to my own; that I was upon a footing of intimacy with none of them; and that one gentleman, of undeniable qualifications having been proposed, I desired his name might be no more mentioned, as he happened to be a near relation of mine. Some persons, whose opinions I highly respect, deemed that we acted unwisely in abandoning this main point of the nomination. But we only gave it up when we found the ministers determined to oppose the Bill, unless they were allowed to name the Commissioners. We still trusted that the power would not be abused; and we looked to the wholesome controul of Parliament and the public for a security that the work would be

done with diligence, upon whomsoever it might devolve.

The next change of importance, related to the *quorum*. The whole excellence of the measure consisted in the ambulatory nature of the Board; because, beside the great saving of expense, unless the Commissioners repaired to the spot, it was quite vain to expect an effectual investigation of the various particulars relating to local abuses. But, as the performance of this duty would be both cumbrous and endless, if the whole Commissioners were to go round the country in a body, it was provided that they should divide themselves into bodies of two each, and that four boards should thus at the same time carry on the inquiry, with an expedition greatly accelerated, and with a salutary rivalship among themselves. The Ministers in the House of Lords, changed the *quorum* from *two* to *three*, and left the whole number of Commissioners *eight*, as before; thus reducing the number of Boards from *four* to *two*, and leaving *two* Commissioners wholly unemployed. As it is perfectly well known, even to beginners in arithmetic, that *eight* is not divisible by *three*, I am reduced to the necessity of suspecting that the authors of this change have no serious intention that the Board shall ever be divided at all; and that they mean to make the

Commissioners proceed by written interrogatories sent to different parts of the country. It is already stated out of doors that such a plan has been formed; I can only say, that it must render the whole inquiry a perfect mockery; and the labours of the last session, for the correction of abuses, will have ended in adding one of peculiar grossness to the former number, by the creation of about a dozen sinecure places.

An addition was proposed by His Majesty's Ministers, which we cheerfully adopted, regarding it as an improvement. They suggested the propriety of naming six honorary Commissioners, who might form a superintending and central body, to advise and to regulate the proceedings of the whole. The personages who were proposed to fill this department, united to great weight in the country, commanding talents and confirmed habits of business. I need only mention the Speaker, Sir W. Grant, the Marquis of Lansdown, Lord Grenville, and the Bishop of London, to justify the satisfaction experienced by the Committee at this part of the arrangement. It seemed even to furnish a security against the consequence of any defects in the choice of the stipendiary Commissioners; and some whose confidence in the measure had been shaken by that choice being left in the Crown, felt it revive when they were told that such

men as I have named, would at all events be placed at the head of the department.

The changes made in the powers of the Commissioners were as important as the alterations in the construction of the Board. They were deprived of all authority to prosecute their inquiries, unless by the *consent* of every person whom it might be necessary to examine; and they were only permitted to carry on even this ineffectual investigation, into a class of abuses neither the most numerous nor the most flagrant. It seems hardly credible that any men affecting to have at heart the great objects of the Bill, should have so crippled its powers and narrowed its objects. Nevertheless, such I lament to say is the undeniable fact. In the first place, as to the powers—We had originally given the Commissioners the same authority which rendered the Naval and Military inquiries so effectual. Imagining that persons concerned in any abuse might be unwilling to give evidence against themselves, or to produce documents which made them liable to refund large balances due to the poor, we had armed the Commissioners with the power of compelling the production of papers, and obliging every one to answer such questions as did not criminate himself. The ministers in the House of Lords peremptorily insisted upon this provision being struck out. They said it

was harsh—but why should any one complain of being forced to do what it is every one's duty to do, and what no one can refuse to do unless with the design of concealing some malversation? They represented it as indelicate to respectable trustees—but can any respectable trustee complain of being called upon to disclose the particulars of his conduct in the execution of his trust? They described it as unconstitutional—yet the same powers are possessed by all courts, even by commissioners of bankrupt. They called it unprecedented—yet they themselves, when in office with a truly great minister, the renown of whose naval exploits alone eclipses the glory of his civil administration, had furnished the precedent which we followed; had passed the very act from which we copied verbatim the clause in our Bill. They attempted, indeed, to escape from this dilemma by various outlets. My Lord Chancellor said that he had always disapproved of that provision in lord St. Vincent's act; yet he suffered it to pass without a division, and was, with my Lord Ellenborough, the principal advocate of the measure. My lord Sidmouth contented himself with observing, that many persons had objected to lord St. Vincent's bill; but assuredly his lordship, then minister in the House of Commons, was not of the number; for he strenuously defended it against Mr. Canning, who alone, of the present

cabinet, opposed it. A feeble effort was made to distinguish the objects of the two inquiries. But as to their importance—can any one maintain that the expenses of the dock-yards, demand more rigorous investigation than the disposal of funds destined by benevolence for the relief of wretchedness; or that the conduct of the person who uses a sum of the public money, without authority and then replaces it, shall be sifted by every means of examination which can wring the truth from interested reluctance; while he who pockets thousands a year belonging to the poor, shall only be *invited* to disclose the state of his accounts in order that his undue gains may cease, and his past accumulations be refunded? Then as to the nature of the two inquiries—can it be contended that the power of examining all private merchants' accounts, in substance possessed by the Naval commissioners, was less liable to abuse, or in itself less vexatious, than the power of examining the accounts of trustees, filling a public office? As for the clamour excited against the clause respecting title-deeds, no one who had read our bill could be deceived by it for a moment; because the possessor of a deed was only obliged to produce it, in case it related wholly to the charity; if any other matter whatever was contained in it, he was allowed to produce a copy of the part relating to the charity.

All our arguments, however, were unavailing. It was resolved that the Commissioners should have no powers; and what is very remarkable, the Bill had been suffered to pass through all its stages in the Commons without any objection being made to this essential part; although Mr. Canning and others had given notice of an opposition, and were present at all the debates upon it. The alteration was reserved for the Upper House, where one of the ministers proposed it, and none of his colleagues objected.

The objects of the Bill were as materially limited, as the powers of the Commissioners had been crippled.

First, they were prohibited from inquiring generally into the State of Education, although a great saving both of time and expense to the public would have been effected by allowing them to make that inquiry when they visited any district for other purposes.

Secondly, they were no longer to examine abuses of all charities, but only of those connected with the education of the poor. A most unfortunate change in the constitution of the Board—for every one was aware how many malversations existed in charitable institutions wholly unconnected with education, and it was obviously a more natural, as well as more economical course of proceeding, to authorise the Commissioners to

look into these at the same time that they were examining the others, than to send one set of functionaries to investigate school charities, and then dispatch a second body to go over the same ground, in order to see what the former had been ordered to overlook.

The instruction under which the committee acted, confined its inquiries to charities connected with education. Nevertheless, we had accidentally been made acquainted with abuses of a very gross description in other charities, which the powers of the Commission as now restricted cannot reach. We found that one Corporation in Hampshire, entrusted with the management of estates worth above £2000 a year for the use of the poor, let them for 2 or £300 on fines, and would give no account of the manner in which those fines were applied. The same body, it was stated, employed a sum of money confided to it for charitable purposes, in payment of its own debts. At Mere, in Lincolnshire, is an endowment for a Warden and poor brethren of a very ancient date. The warden and his lessees seem to be well provided for, whatever may be the lot of the brethren; the estate consists of 650 acres, five miles from Lincoln; it is let for only half-a-guinea an acre, though it pays neither tythe nor poor's rate; and £24 a year is the whole sum allotted to the poor brethren. The Bishop of the Diocese

is both patron and visitor; he has given the Wardenship to his nephew; and the former Warden resigned it upon being promoted by the same prelate to a living in his gift. The son of that right reverend person is master of Spital Hospital in the same county. Besides other landed property, he is in possession of one estate worth 6 or £700 a year n right of his office; and all that he pays to the poor is £27. 4*s.* to four or five pensioners. At Wellingborough, in Northamptonshire, there are lands belonging to different charities, of which only one is connected with education; a short time ago they were let for £68, although worth near £1100; and the trustees enjoyed the leases. In the parish of Yeovil in Somersetshire, there are estates possessed by trustees, and destined to four different charities, one only of which is a school. Limited as the Commissioners now are, they may examine those trustees as to one part of their trust; but they must order them to be silent as to the other three. They may inspect the deeds and accounts relating to the school revenue, but they must suddenly shut the book when they perceive any mention of the other charities. And yet all the four seem to have been equally abused. An estate worth £700 a year only educates seven or eight boys; lands valued at 11 or £1200 a year only afford a wretched pittance to sixteen paupers; and property worth £150 a year

is let for £2. 1*s*. 4*d*., chiefly to the trustees themselves. There are two estates belonging to the poor of Croydon, which ought to bring between 1000 and £1500 a year, and yet are worth nothing from being badly let on 90 years' leases; but into this the Commissioners must not look, when they go to examine the abuses in the Hospital, because those estates are unconnected with education. In that Hospital itself, they will find but little within their jurisdiction; it is, indeed, full of abuse; but only a small portion of the charity belongs to the school, and even that is protected from inquiry by the appointment of a visitor—which leads me to the next head of exemption.

Thirdly, among charities connected with education, there was introduced a large class of exceptions, comprehending, not only the Universities and the public schools down to Rugby, but generally all charities having special "visitors, governors or overseers." Now it happens that almost every considerable charity is subject to special visitation; consequently what remains for the operations of the Commissioners lies within a sufficiently narrow compass.

This last alteration of the Bill, we justly viewed as a matter of extreme regret. For of the many instances of gross abuse, which had come to our knowledge, and some of which will be seen in the evidence now made public,

*there was hardly one which this clause did not* withdraw from the jurisdiction of the Commissioners. Thus Pocklington school, with a large revenue, had been suffered to fall into decay, so that only one boy was taught, and the room converted into a saw-pit*; yet it has visitors, (St. John's College, Cambridge,) who, probably from ignorance of the evil, had taken no step to correct it before last winter. So, the property of the Huntingdon school is grossly misapplied; the land is let to accommodate the trustees, and is made the means of supporting a political interest in that borough; yet the charity has visitors in the persons of some of those very trustees, who are thus by the exemption in the Act, secured against all inquiry. It should seem too, that St. Bees school is equally exempted. But that its affairs merit investigation clearly appears by the evidence; for we there find that leases of its land were granted at a remote period, for 1000 years at a very low fixed rent†; that at a more recent date, the valuable minerals were leased at a mere trifle (£.3. 14s.) for the term of 8 or 900 years, to one of the trustees; that one of the present trustees

* An attempt was made to deny this; but it seems to be the result of the evidence taken together. At any rate it is admitted, that the proper school-room was wholly disused, except for keeping lumber and working materials.

† The rent is about £100, the value of the tenements being above £8000 a year.

*now enjoys the lease; and that a decided majority* of the others are clergymen, holding livings under him, and supporting him in his management of the concern. As none of them has made any attempt to set aside a lease which every one must perceive to be utterly void, and as one of their number has expressed his apprehensions of engaging in a contest with so powerful an adversary, it may be presumed that such considerations alone could deter them from performing what was obviously their duty to the charity; and the inference is irresistible, that this was exactly a case which demanded the interposition of the Commissioners. Certain estates devised for the purposes of education at Reading, appear to have been let as late as 1811 for nearly the same rent that they fetched in Charles the Second's reign. It is now considerably raised; but some of the lands seem still to be much underlet; at any rate an inquiry would be highly beneficial where such negligence appears so recently to have prevailed: yet all examination is precluded by the proviso; for there is a special visitor. The hospital at Croydon founded by Archbishop Whitgift is protected from investigation by a similar appointment; but the evidence plainly shews, that all is not right there. The estates are valued by the surveyor of the house itself at £2,673 a year; yet they are let for £860; and down to 1812 they fetched no more than

*£336. A free school too, is specially appointed to be kept for all the inhabitants of Croydon;* but none has within the memory of man been taught, although the master receives his emoluments, teaching another school for his own profit, and although the inhabitants have established a seminary upon the new plan to give education at their own expence to the poor of the place, in the very school-room which Archbishop Whitgift devised for their gratuitous instruction. These abuses, I verily believe, are unknown to the distinguished prelate who is visitor of the hospital. Whoever fills his station in the church, has, beside the ordinary functions of his province, the superintendence of a vast number of charitable institutions in various parts of the kingdom; and it is quite impossible that his eye should be always fixed upon the abuses which silently creep into each. Until they are denounced to him, he must of necessity be ignorant of their existence, and the office of accuser is a thankless one at the best. The visitatorial power is only put in motion at stated periods; and even then, if no one comes forward to complain, credit is naturally given to the members of the corporation for doing their duty and obeying the statutes. But on the other hand, the assistance of such a body as the Commissioners in supplying the want of accusers, and in discovering latent abuses, is precisely that

which a conscientious visitor would desire. He can feel no jealousy of any encroachment upon his rights, for these remain as before; the only difference is, that he has now to exercise his *office with a more perfect knowledge of the* matters within his jurisdiction, the inquiries of the Commissioners having brought to his notice all the points to which his superintending power should be directed for the purposes of reformation. I think we have a right to assume that the Archbishop of Canterbury viewed the Bill in this, its true light, from the very liberal and candid support which His Grace was pleased to give it.

Nothing, indeed, can be more groundless than the jealousy which appears to have been raised by it in other quarters. In what respect could the proceedings of the Commissioners interfere with any person's functions, whether as trustee or as visitor? They were only empowered to inquire and to report; to discover abuses, and to lay them before Parliament and the country. Here their authority ended; they could make no order whatever for correcting the mismanagement which they detected, were it ever so glaring. To search for the evil, and expose it to the light, was their whole office; the remedy was reserved for Parliament, if it required legislative interference; but in the first instance, it was left to the parties themselves whose conduct had been investigated, and if they failed to amend their ways, the visitors were unquestionably entitled

to interpose as if the Act had never passed. To describe the Commissioners as coming into conflict with the visitors, was a gross misrepresentation of the powers and functions of both. *Yet it was entirely upon this misrepresentation, that the clause* exempting charities specially visited was built. The pretext that it was authorised by the example of the Statute of Elizabeth, is utterly unfounded. The commissioners of Charitable Uses, under that act, have powers which would interfere directly with those of special visitors; for they are not merely to investigate, but to make orders and decrees; they are in fact to sit as a court, and they are entitled to try issues of fact by a jury. The clause exempting charities specially visited from their jurisdiction, was therefore necessary to preserve the visitatorial power according to the founder's intentions. But what founder ever dreamt of preventing any inquiry from being made into the state of his charity? What founder could, were he alive to see it, be otherwise than gratified by an investigation, the result of which can have no possible tendency, but that of enabling the visitor appointed by himself to exercise with full effect, the powers of superintendence conferred by him for the express purpose of correcting all abuses in the trusts created by his foundation?

I have mentioned a few instances of abuses brought to light by the labours of the Com-

mittee, all growing up to maturity, in charities which have special visitors, and which the Commissioners are bound to overlook by virtue of the exemptions introduced into the Bill. It may perhaps be thought that these have been already examined, and that our report, with respect to them at least, will be sufficient to produce a speedy reform. But I cannot quite indulge in this hope. We had not the means of sifting those cases to the bottom: we plainly perceived that much remained to be investigated in each. Thus, the sums to be refunded by the Yeovil trustees severally, we had no means of tracing. We were equally unable to ascertain how much in value of the St. Bees school property remained in the hands of the noble lord, who sustains in his own person the double character of trustee and lessee. It was in like manner impossible to estimate the arrears due to the poor from the worthy magistrates of Huntingdon, and the noble family whose political interest in that borough has been founded upon the misapplication of the charity estates. Nor did we see, in the past conduct of any of those parties, the slightest reason to expect that the publication of our report would of itself have the immediate effect of restoring the poor to their rights. On the contrary, an extraordinary pertinacity had been evinced by them all, in defence of their actual possessions, and in resisting every investigation of their titles.

Besides, there is every reason to believe that abuses of a similar description, which we had not time to investigate, exist in all parts of the country. The parochial returns to our circular letters, have brought cases to our knowledge, which no Board sitting in London could examine within a moderate period of time. Other abuses omitted in those returns may be reasonably supposed to prevail; and let it be observed that the probability of abuses existing in any charity, is by no means diminished by the circumstance of a special visitor having been appointed. In general, the visitor resides at a distance; he is most commonly an official person with other duties to engage him, as the Bishop of the diocese, or the Head of a House at one of the Universities; he is usually directed to visit once in so many years; and if no term is specified, he is only by law obliged to visit every third year; above all, the exemption in the Statute of Elizabeth, has increased the probability of mismanagement in such charities, by preventing them from ever being examined by a Commission of Charitable Uses; while a great proportion of the other charities have undergone this investigation once or twice since their foundation. Now, the transference of the proviso from the Statute of Elizabeth to the present Act, has precisely the effect of confining the inquiries of the Commissioners to those charities, most of which have already been examined; and

of making them pass over those which have never before been looked into, except by their visitors.

If any persons should still conceive that the eye of the visitor is sufficient, I would beseech them to consider two things—the slowness with which the knowledge of the evil reaches him, and the risk of his requiring superintendence himself. Abuses are generally speaking of slow growth; they creep into public institutions with a sure pace, indeed, if unchecked, but they move on by degrees; and those who are constantly habituated to see their progress, become accustomed to it, and cease to think of it. These, however, are chiefly the persons on whom the visitor must rely for his information; and, even where the change is more rapid and the abuse more glaring, men who live on the spot are not likely to court the odious office of accusing their neighbours. The grand difference between the visitor and the Commissioners is that the former, for the most part will only examine where there is a charge; whereas the latter are to examine at all events, and to find out whether there be ground for complaining although nobody may have actually preferred a complaint. Then what security have we against negligence or connivance in the visitors themselves? *Quis custodiet ipsos custodes?* True, the founders have intrusted them with the superintendance; but, where no visitation is appointed, the founders have reposed an entire confidence in the trustees; and yet no one has ever

contended that *they* should be exempt from the inquiries of the Commissioners? What good reason then can be assigned for investigating abuses committed wholly by trustees, and sparing those committed by trustees and visitors jointly? St. John's College is visitor of Pocklington school; for years the gross perversion of its ample revenues, known to all Yorkshire, had never penetrated into Cambridge. The Dean and Chapter of Lincoln have the patronage as well as the superintendence of Spital charity; yet they allow the Warden, son of their Diocesan, to enjoy the produce of large estates, devised to him in trust for the poor of two parishes as well as of the hospital, while he only pays a few pounds to four or five of the latter.* The Bishop himself is patron and visitor of Mere, and permits the Warden, his nephew (for whom he made the vacancy by promoting his predecessor) to enjoy or underlet a considerable trust estate, paying only £.24 a year to the poor. The evidence shews that the visitors of the Huntingdon Hospital are the parties chiefly concerned in misapplying its funds—being themselves trustees—occupying the charity lands for trifling

* The Rev. Incumbent states, that there are no poor in Spital; but the endowment is in favor of the "parish poor of Little Carlton and Skellingthorpe," the charge of maintaining whom appears, from the Poor Abstract, to be from £2 to £300 a year.

rents—and using the estate for election purposes. I am very far from asserting that the apparent negligence of St. John's College, the apparent connivance of the Chapter and the Bishop, and the apparent participation of the Corporators are incapable of explanation; but at least these facts shew the necessity of an inquiry into the conduct of visitors as well as trustees; while the alterations made in the Bill by his Majesty's Ministers, shut out all inquiry, and prevent the public from receiving any explanation.

The exception of which I have been speaking is the more to be lamented; because the charities thus screened from the investigation of the Commissioners, are in the ordinary course of events, and as the law now stands, almost certain to escape every other inquiry. From the jurisdiction created by the Statute of Elizabeth, they are wholly exempted; and that of the Court of Chancery extends to them only in a limited degree. Where funds have been misapplied, the Court will interfere, notwithstanding the appointment of a visitor; but then its interposition is confined entirely to this breach of trust. It will take no cognizance whatever of any other neglect or misconduct on the part of the trustees. They may have perverted the charity, to purposes wholly foreign to the Founder's intention; they may have suffered the school to decay, while the master reaped the profits; they may, through folly, or

even by design, have adopted measures calculated to ensure its ruin.—Still if there be a special visitor, who neglects or violates his duty, permitting or abetting the misconduct of the managers, Courts of Equity cannot entertain the discussion of their proceedings, unless the funds are directly misapplied. Thus I take it to be clear, that neither Whitgift's hospital nor Pocklington school, could have been examined by information or petition to the Lord Chancellor, although large revenues are expended, in the one case, upon the education of a single child, and in the other, to make a complete sinecure for the master. In the case of a richly endowed school at Berkhamstead, his Lordship admitted that he could not interfere, although he saw the master teaching only one boy and the usher living in Hampshire*. But even as to direct breaches of trust, a court of equity affords most inadequate means of inquiry. No prudent man will easily be induced to involve himself in a Chancery suit, where his private interests are at stake. To expect that any one will do so from the love of justice, and a sense of duty towards the public, is in all but a few extraordinary cases truly chimerical. Nor will the facts dis-

* 2 *Ves. and Beames*, 138. His Lordship was obliged to decree the money received for fines, then about £5000, to the master and usher, according to the foundation, leaving their conduct in office to be examined by the visitor.

closed in the Committee's Report, tend to lessen this very natural dislike of such proceedings. We there find the parish officers of Yeovil ruined by their attempts to obtain justice for the poor; a respectable solicitor and a clergyman in Huntingdon, expending large sums of their own money in the same pious work, and rewarded by the general contempt and even hatred of their fellow citizens; a worthy inhabitant of Croydon, exposed to every kind of vexation for similar exertions, and his coadjutor falsely and maliciously indicted for perjury; and, not to multiply instances, the venerable Head of a College at Oxford deterred from exposing the St. Bees case, by the dread of a conflict with his powerful colleague, before a tribunal where a long purse is as essential as a good cause. You, better than any man, are acquainted with the defects of this remedy; and you are no less impartial than competent to decide upon them. Elevated to an eminence in the Court of Chancery, which no other advocate, perhaps, ever attained in any department of forensic life, you can hardly be supposed to feel prejudice against its proceedings. Yet to you I will venture without hesitation to appeal; and I am confident you will admit that abuses which are fated to flourish in the shade, until a suit in equity exposes, and a decree extirpates them, must live and grow until they work the ruin of the institutions to which they cling.

I have now gone through the principal changes which his Majesty's Ministers thought proper to make in the Bill; and when their magnitude is considered—when it is perceived how little of the original plan was left—when it is found that the Commissioners were to be chosen by the Crown, deprived of the usual powers of inquiry, and prevented from directing their attention to the objects which most demanded investigation—it will naturally be asked why the friends of the measure consented to accept of so mutilated a substitute for it; why they did not at once appeal to Parliament and the Country, from the decision of a Cabinet which had clearly shown themselves unfriendly to all effectual exposure of the abuses universally complained of? I must take upon myself, in common with several persons whose opinions I deeply respect, the responsibility of having been willing to accept a law, the inadequacy of which we admitted, rather than allow the session to pass without obtaining any thing at all. Various considerations influenced this decision. The manifest hostility to the whole measure, which appeared in the House of Lords, was not among the least of these. Vehemently opposed upon its principle by the chief law authorities, and a formidable body of the prelates—feebly and reluctantly supported by the Ministers of the Crown—the Bill had been sent to a committee only by a majority

of one; and some who gave their voices for its commitment, in the hope apparently of its compleat mutilation, announced their intention to throw it out on the third reading, whatever changes it might undergo; thus consenting to prolong its existence for a moment, that they might first mangle what they were bent upon destroying. When it came out of the committee, the *amendments* had indeed so entirely defeated the whole object in view, that no man, how great soever his wish to conciliate and accommodate, could think of lending himself to the unworthy farce of passing such an Act. The Committee, upon learning the scope of those alterations, which left the Bill a mere dead letter *, agreed with me in resolving to reject it, and proceed in the House of Commons by way of Address. There being very little reason to doubt that the Address would be carried, the enemies of the Bill in the Lords consented to re-commit

* The two provisions which principally tended to defeat the object of the Bill, and which were afterwards given up by their Lordships, were these: The Commissioners were only authorized to inquire into abuses respecting which they had information previously laid before them upon oath; nay, they could not summon a witness without oath being first made, that he had material information to communicate. They were also prohibited from asking for any paper, unless it wholly related to a separate charity, and where it contained other matter, they were not allowed to call for extracts or copies of the parts relating to the charity.

it, to give up several of their amendments, and to withdraw their opposition to the third reading. Such being the feelings entertained by the Lords towards the whole plan—feelings of which an adequate idea could only be formed by a near observer of the temper in which it was discussed; and so great being the difficulty of obtaining the assent of their Lordships to the Inquiry, even crippled and confined as it now is; we felt compelled to rest satisfied with the little we had thus reluctantly obtained from them, apprehensive that any other course might involve the two Houses in a serious difference of opinion, alike prejudicial to the public weal and to the success of the measure in question. Nor were we without hopes that the experience of the Act when put in force, might quiet the unfounded alarms which prevailed among their Lordships; and prepare them for an extension of its powers at a future time.

I must further mention as a reason for the line of conduct pursued, that we thought there was a mode of supplying indirectly the want of powers in the Commissioners. They would have an opportunity of reporting the names of all persons who refused to be examined, or to deliver up documents in their possession. A dread of exposure to the suspicion which this concealment must create, would probably induce many trustees, however reluctant, to obey

*the Commissioners; while those who obstinate*ly held out might be examined by the Committee on its revival next session. In like manner, we presumed that the Reports of the Commissioners would direct the attention of the Committee to all charities with special visitors; and that if Parliament persisted in refusing to subject these to the scrutiny of the new Board, the Committee might proceed, as it had already begun, to examine them. Thus we conceived that the Act, with all its imperfections, would do some good in the mean time, and lead to still further benefits hereafter. Convinced of the necessity of a thorough investigation, we thought that the sooner a beginning was made in it the better. Unable to get all we wished, we deemed it wise and prudent to take what we could get, and not impracticably reject the advantages within our reach, because they were less important than we looked for, and were entitled to. An honest execution of the Act, such as it was, seemed to promise material benefits to the country, provided the certain re-appointment of the Committee next session supported the Commissioners in the discharge of their duties, and supplied the defects in their jurisdiction as well as in their powers. But upon that revival, and upon the good faith with which the Act should be carried into effect both by the Ministers and the Board, every thing manifestly depended.

*It is with great pain that I now feel myself compelled by a sense of duty, to state* the disappointment of the expectations, which in common with the rest of the Committee, I had entertained; that His Majesty's Ministers would faithfully discharge the trust thus reposed in them. On so important a matter I cannot allow considerations of a personal nature to impose silence upon me, or to qualify the expression of an opinion which I have reluctantly been forced to adopt, that a full and searching exposure of abuses is not in the contemplation of those who have issued the Commission. It would be acting from a false delicacy towards individuals, for whom in their private capacity I can feel nothing but respect, were I to abstain from frankly urging this complaint, and substantiating it by entering into particulars, how painful soever the detail may prove to me. Before I proceed, let me observe, that the attempts made to frustrate the Bill entirely; the great mutilations actually performed upon it; the indisposition to pass it in any the least efficient form—strongly indicated a disposition unfavourable to the inquiry, and excited the vigilance if not the suspicions of its friends towards the manner in which the powers conferred by it should be executed. We are now to see whether those unfavourable impressions have been confirmed or removed.

If the first object of the ministers had been to render the Act as effectual as possible, they would naturally have listened to the recommendation of the Committee in the formation of the Board. It was known to every person that the individuals suggested by us, were selected solely, because they appeared to be the best qualified for the office. No suspicion had for a moment existed in any quarter, indeed, the composition of the Committee, made it impossible to suspect, that party views had influenced us in the suggestion of a single name. At all events, there would have been no impropriety in the noble Secretary of State conferring with some of us who had applied closely to the business. The prerogative of the Crown is not supposed to suffer, nor the dignity of its ministers to be lowered, by freely communicating with members of the House of Commons for other purposes. Where could have been the harm in consulting a Committee indiscriminately taken from all parts of the House, upon a matter which had occupied so much of their attention? His lordship thought otherwise; of the gentlemen pointed out by us, only two have been put in the Commission; and these, I have reason to think, by no means through our recommendation, but doubtless from the accident, a fortunate one for the public, of their having more favoured patrons.

Of the other paid Commissioners, I have understood that some look forward to the duties of the office as quite compatible with those of a most laborious profession; while others are supposed to regard the existence of abuses generally, in any establishment, with an unwilling, if not incredulous mind. Nay, I have reason to believe, that one very respectable member of the board has publicly professed an opinion, that a great anxiety for the welfare of the poor is symptomatic of Jacobinism. Exclusive devotion to professional vocations, is a meritorious frame of mind; but does not perhaps very naturally point a man out as fit for a second occupation. A fond disposition to find every thing right in our political system; an aversion to believe in the existence of defects; a proneness to charge with disaffection those who spy them out; a tendency to suspect all who busy themselves for the poor as influenced by sinister motives, and even as contrivers of political mischief,—these, for aught I know may be praiseworthy feelings; or amiable weaknesses; or excusable mistakes; and far be it from me to think the worse of any man who is honestly influenced by what may seem the least rational of such propensities. But then I must take leave to think that they form very indifferent qualifications for sitting at a Board, the object of which is to pry into abuses,

to expose errors and malversations, and to drag forth to public view, those who have robbed the poor of their rights, Persons under the influence of such impressions will enter upon their inquisitorial functions with a disposition to find ground of justification rather than of charge; will reluctantly open their eyes to truths which thwart their favorite prejudices; and feel desirous that their inquiries should convict of exaggeration the statements now before the public.

That the choice of my lord Sidmouth has been guided by this consideration, or by any wish to quiet the fears of charitable trustees, I am far from asserting; on the contrary, I rather believe, that the usual motives may have influenced the appointments, favor towards similarity in political sentiments, and the wish to oblige political connexions. But it seems impossible to maintain that his lordship passed over certain names by mere accident. These omissions require further notice as throwing light upon the spirit in which the ministers are executing the Act.

The Committee had in their Report strongly recommended to the attention of Parliament, and of the ministers, two professional gentlemen to whose voluntary assistance they had been greatly indebted during the course of their inquiries. I allude to Mr. Parry and Mr. Koe. Of their eminent qualifications to fill the place

of Commissioners every one who attended to our proceedings was aware. The case of Mr. Parry was indeed, peculiarly strong. It happened that he had for some years devoted himself privately to the very investigation which the Board was to prosecute. He had been occupied in examining the abuses in the Berkshire Charities, upon which he has just published a valuable treatise. He was the very man for the new office; he was a Commissioner, if I may so speak, ready made to our hand; he was trained to the business by a lucky coincidence; he was by this accident, the only man who could be found to unite experience with the other qualities required; and all of which he also possessed. Nor had he any of the drawbacks which might be supposed to prevent his appointment. He had never mixed in politics at all; his connexions were ministerial; he was known to the Lord Chancellor, and much esteemed by him; he had, indeed, been promoted by his lordship to the place of Commissioner of Bankrupt; to the members of the Committee he was wholly unknown except by his co-operation; none of us had ever heard his name mentioned until the member for Berks informed us of the similarity of his pursuits. Thus, then, fortune seemed to present a person eminently fitted for the service of the public, and it might have been supposed that lord Sidmouth would eagerly avail himself of the opportunity to ap

point at least one Commissioner whom all men would allow to be well chosen. What were the grounds of his rejection, I am yet to learn. Whether that he had incurred the guilt of drawing forth my warm commendations, solely by his own merits; or that abounding in all other requisites, he had no friend at court; or that his inquisitorial habits might give alarm to many favoured personages; or that his claims stood in the way of illustrious birth united to obscure merit; or that the patronage of the Home Department, was at all hazards to be defended against every inroad of desert as well as of parliamentary recommendation—All we know is the fact, that neither Mr. Parry nor Mr. Koe are in the Commission.

Among the honorary Commissioners, we had been led to hope that Lord Lansdowne and the Bishop of London would appear. It is not easy to find two individuals more admirably qualified for the office, by the union of inflexible integrity with conciliatory temper, and of acute understanding with habits of application to affairs. But I own that in my eyes those distinguished persons were still further recommended by their avowed disposition in favour of the proposed inquiry; and I am therefore the more disheartened, when I find their places supplied by two right reverend prelates, one of whom displayed his irreconcileable hostility to the Bill, by even voting against its com-

mitment; and the other, his disinclination towards it, by retiring before the division, in which the bench of bishops took so active a share*. These are the only peers whose names I find in the list. Neither Lord Rosslyn, who brought forward the question with such signal ability, nor Lord Holland, nor Lord Carnarvon, who powerfully supported him, are included†.

But I feel myself compelled, however irksome the task, to take notice of another omission. No members of the Education Committee are stationed at the Board, to superintend the execution of their own measure, to keep watch for the public, stimulating the doubtful zeal of some, and checking the declared hostility of others; in a word, to give the Country a substantial security, that the abuses so loudly complained of shall in good earnest be investigated, and that the Commission shall not be changed from an unsparing inquisition, into a thicker cloak than that under which the poor have already been despoiled. It might have been expected that either Mr. Babington or myself, who had taken the principal part in the labours of the Committee, would have been placed upon the

* The Bishops of Peterborough and St. Asaph.

† It is singularly unfortunate, that neither the speech of Lord Rosslyn, so replete with important information, as well as sound and enlightened views, on National Education, nor that of Lord Holland, worthy of his illustrious kinsman, were reported.

watch for these purposes. Of Mr. Babington's claims to the office, every one who knows him will admit that I need say nothing. Unfortunately he has lately by his retirement from public life, added one qualification, which all who have marked the honesty and usefulness of his parliamentary, conduct will allow, that the Country has cause to lament. After titles to notice, so much higher than any that I can bring forward, had been disregarded, I could hardly feel surprised at my own offer of service being rejected, with silent contempt, by the eminent head of the Home Department. I was induced to tender myself, by the strong representations of my fellow labourers in the Committee. As the office conferred neither emolument, nor patronage, nor power; as it only gave the privilege of hard labour, of which the habits of my life and my zeal for the cause, made it very clear that I should cheerfully take advantage; I imagined that the most implacable species of malice—the spite of peculators trembling for their unjust gains—could hardly impute any selfish views to the application: I therefore openly stated in my place that I was anxious to be an honorary member of the Commission. I added, that even if my temporary retirement from Parliament were deemed an indispensable condition of the appointment, I still desired to have the option upon those terms; being of opinion that I might

render more valuable service to the Country, by devoting to the proposed inquiry the whole time which I could spare from professional avocations. But I do not find that great leisure is thought necessary for the business of the Board. The Speaker is at the head of it; and Sir W. Scott is another of its members. Than the former no man can be a more fit president; but I am not quite disposed to look for very active investigation from the right honourable member for Oxford. He is understood to be decidedly hostile to the Bill. His constituents are known to be in general, the warmest enemies of the whole inquiry. That he and Mr. Yorke are named instead of Mr. Babington and myself, I trust I may be permitted to regret with the most perfect respect for two gentlemen whose fair difference of opinion, widely as it separates us, I entirely honour.

That party considerations dictated this decision, I feel unwilling to believe. In the case of Mr. Babington they could have no weight. In my own, I will venture to say they would be exceedingly misplaced; for I appeal with confidence to every member of the Committee and to every person in government with whom I have had the honour of communicating, to defend me from the suspicion of having in any one instance shewn myself influenced by political feelings during the course of the inquiry.

So determined was I to avoid every thing which might lead to such imputations, that I interfered at the Westmorland election to prevent any allusion from being made to the case of St. Bees school, and uniformly refused access to the evidence touching that extraordinary affair to persons who might use it for the purposes of the contest. It has been suggested that I am omitted because the ministers were apprehensive of my carrying the inquiry further than they wished it to go. Certainly, I should have felt no desire to push it beyond the just limits. I should have only taken care that every abuse was searched to the very bottom, whoever might be engaged in it. One step short of this I should not have consented to stop; further, there was no occasion to go.

It is necessary to add a remark or two upon the choice of the Secretary. That important officer is directed by the Act to be named by the Commissioners themselves. The reason is obvious; he ought to be a person possessing their confidence; known to them; selected by them. The law was purposely so framed, and the terms of it explicitly shew the intent of the legislature. The secretary of state, however, is understood to have desired the stipendiary Commissioners immediately after their nomination, and before the seal was affixed, to reserve themselves upon the appointment of a secretary. It

is not to be doubted, that this suggestion was meant as a notice that the Home Department would recommend a proper person. Accordingly I am informed that Mr. Parry, the omission of whose name at the Board had created considerable discussion, has since received intimation that an application by him for the office would be favourably received. If Lord Sidmouth recommends him, it will be a deviation from the Act of Parliament*, useful no doubt to the public, but only rendered so by his lordship having previously left him out of his proper place at the Board. Had he been appointed a Commissioner, the minister would have only exercised the patronage vested in him by law; an able servant would have been secured in the department that most required him; and the discretion vested by the Act in the Board would have been kept sacred from ministerial encroachment†.

* The words are (Sect. 4.) "The said Commissioners are "hereby authorized to appoint and employ such Secretary "*as they shall think meet*, and to administer to the said "Secretary an oath for his true and faithful demeanour in "all things relating to the due performance of *any trust* "respecting the execution of this Act, *reposed in him by the* "*said Commissioners.*"

† It is remarkable that the Police Committee have complained, in their *Third Report*, of the same disposition in the Home Department to grasp at patronage not vested in it by law. "This breach of an act of parliament, (says the Report) on the part of the Secretary of State, has produced the result which might have been anticipated. One of the per-

I have now finished the most painful part of these observations; painful, because I have been compelled to criticise the selection of persons against whose general characters and respectability I have never heard a suspicion whispered, and to express a disapprobation of the choice, founded upon an invidious comparison of their deserts with those of other men. Let it not, however, be supposed that I expect no good to result from their labours; still less do I impute to them any backwardness to discharge the duty which they have sworn to fulfil. It is the inferior energy of some that I lament. It is the unfortunate prejudices of others which I dread, against which I feel anxious that they themselves should be warned, and of which a jealous Public ought thus early to be apprized. Even thus constituted; and with powers so de-

sons so appointed by Lord Sidmouth, was a worthless, abandoned character, a Jew bail, who was imprisoned in the King's Bench, and not being able to perform his duty, was turned out of his situation; he is described by the chief clerk as a man who hired himself out as a fraudulent bail, and was never known at the office till he came to be sworn in. Your Committee beg leave to observe, that this interference of the Secretary of State is not warranted by the law which regulates the police, and will no doubt, if persevered in, be attended with the worst effects. Of the four persons nominated by Lord Sidmouth, one declined his appointment, another was turned out of the office, and the remaining two were confirmed in their situations, in defiance of the proper remonstrance of the magistrates upon the subject."

fective as I have shown, this Board may render service to the state: but he is guilty of no failure in courtesy towards its members who betrays a constitutional desire that their proceedings should attract the watchful eye of the community at large.

Of the Ministers who first mutilated the Act, and then entrusted the execution of it to its enemies rather than its authors or supporters, no man can long hesitate what opinion he should form. Their conduct can only be accounted for upon the supposition that they do not wish to see a zealous and unsparing investigation of charitable abuses. That they should favour neglect or peculation for its own sake, is inconceivable; but they may be deterred from fearlessly joining in the exposure of it by the clamours of those who are interested in its concealment, or the alarms of men easily disquieted, willing to believe that there is safety in supporting whatever exists, ready to fancy that there is danger wherever there is movement, and to forget that in the neighbourhood of mischief repose is perilous. Certain it is, that the present Ministers have at all times betrayed a reluctance to reformation of every sort; and that, whether from interest, or weak compliance, or fear of disquieting the alarmists, they have so acted as to afford abuses of all descriptions effectual shelter. Upon the present occasion they have not deviated from their accus-

tomed course; and the interposition of Parliament will be required to force them out of it, as it has frequently done before. The season has happily passed away when the country could be frightened out of a necessary attention to the mismanagement of its affairs; and an opinion is daily gaining ground, that its safety might be secured, instead of endangered, by the steady yet temperate progress of well-considered, timely reformation.

It is devoutly to be hoped, that the clamours, and the still more dangerous intrigues of men directly interested in the continuance of abuse, may not be permitted to influence the House of Commons during the approaching session. If any thing has been clearly proved in the foregoing pages, it is the absolute necessity of reviving the Education Committee, and extending its powers to all charities whatever. This measure alone can strengthen the hands of the Commissioners, whom all good men must wish to support, whether they approve or blame the selection that has been made. It is no less necessary for pursuing the investigation of the important matters withdrawn from the jurisdiction of the Board. An opposition to the renewal of that Committee can only originate in a determined resolution to screen delinquents, to perpetuate neglect and malversation. I trust I may be permitted to affirm, without incurring the charge of presumption, that never did any

Committee better deserve the confidence of Parliament and of the Country, whether we regard the diligence or the impartiality with which it performed its duty. Gratitude to my colleagues, as well as justice to the public, require from me this acknowledgment.

It is true we had enemies, who from the first regarded our proceedings with a jealous eye; and whose numbers as well as animosity were increased by the progress of our inquiries. With those who openly met us we had no reason to dread the result of a conflict; but our most implacable adversaries chose a more formidable manner of attack. They hated us for one thing, and arraigned us for another; or concealing themselves and their grounds of aversion, they worked upon the fears of others, and opposed us by deputy. Men who had no possessions of their own, affected a tender regard for the secrecy of title deeds, while they feared only the disclosure of conveyances, that would oblige them to surrender the property of the poor. Many who cared but little for the Church, and had too much sense to suppose it could be endangered by the restitution of charitable funds to their proper objects, worked upon the apprehensions of their weaker brethren, and made them cry out, that nothing was sacred from our inquisition, while certain secular abuses, cherished for convenience, rather than consecrated by time,

were the only objects of their own veneration. Above all, advantage was taken of the romantic attachment which English gentlemen feel towards the academic scenes of their early life; and the generous natures of persons who had honoured those retreats of learning by their acquirements, or at the most, only made them the abodes of harmless indolence, were enlisted in the defence of practices from which they would have revolted, had they not suffered themselves to be persuaded that our object was an illiberal, unlettered, gothic invasion of all classic ground.

Accordingly, we were severely reproved for pushing our inquiries into establishments, destined, it was said, for the education of the upper classes, while our instructions confined us to schools for the lower orders. Unfortunately, we no sooner looked into any of those institutions, than we found that this objection to our jurisdiction rested upon the very abuses, which we were investigating, and not upon the real nature of the foundation. For as often as we examined any establishment, the production of the charter or statutes proved that it was originally destined for the education of the poor—"*One free schoole for the instructing, teaching, maintenance and Education of* POOR CHILDREN *and Scholars*,"* says, the charter of the "Hospital and "Free Grammar School in the Charter-House." "PAUPERES *et* INDIGENTES *scholares*," say the

* 1 Report, 1816, p. 128.

Statutes of Winchester College* "*Unum Collegium perpetuum* PAUPERUM ET INDIGENTIUM *scholarium Cantabrigiæ, et quoddam alum collegium perpetuum* ALIORUM PAUPERUM ET INDIGENTIUM *scholarium Etoniæ*," say the statutes which founded King's College Cambridge, and Eton College;† and they further require the scholars to take a solemn oath, that they have not five marcs (£3 6*s*.) a year to spend. The Westminster statutes, expressly prohibit any boy being elected on the foundation, "who "has, or at his father's death will inherit a pa-"trimony of above ten pounds.‡" The same poverty is the qualification required by the Statutes of Trinity College, Cambridge: the scholars are there called "PAUPERES," and in chusing them, where other merits are equal, the preference is ordered to be given "INOPIÆ."§ In chusing the fellows of St. John's College, a preference is prescribed in favour of the most deserving, "*et inter hos, illis qui* INDIGENTIORES "*fuerint;*" for scholars, the "INOPES" are directed to be preferred, and an oath of poverty, similar to that of Eton and Winchester is solemnly taken.‖ There is no doubt that some

* Rep. 1818.

† Vid. Stat. 1. intitled "*mens et institutum fundatoris.*" Rep. 1816.

‡ Report 1816, p. 199.

§ Cap. 1 and 13. Report 1818.

‖ Cap. 12, 15, 16. Report 1818.

other institutions, as St. Paul's School, and St. Saviour's in Southwark, were intended for the rich; the former by manifest implication was founded for them only; the latter by the express terms of the foundation was meant for rich and poor indifferently*; but in the original statutes of the great schools and colleges, as far as we examined them, there was to be found no provision except for the poor. Nor are the Committee the first persons who have regarded those magnificent endowments in this light. Lord Coke, and the other judges of England so considered the two Universities in general; for in his report of a decision touching a charity school, he says, that they all held it applied to Oxford and Cambridge; he mentions those foundations as works of charity, speaks of their members, as "*poor scholars*," and in reference to the misapplication of their funds, quotes the text, "*panis egentium vita pauperum; et qui defraudat eos homo sanguinis est.*"† The application of such expressions to those rich endowments, has, indeed, given offence to many. They think it hard that they should be obliged to take the name with the estate; probably because the property came not by inheritance, and because the appellation is very inconsistent with the possession.

I presume, however, that I have said enough to

* Report 1816, 224, 170. † 8 Rep. 130.

justify the Committee for venturing to consider those great establishments as within its jurisdiction. But situated as they are in the eyes of all the world, administered by highly gifted personages, superintended by visitors of exalted station, it might be deemed superfluous to exercise, with respect to them, the inquisitorial power which our instructions gave us. Now, whether beneficially or not, I have no right to determine, but certainly the fact is that great deviations have been made from the original foundation in all those venerable establishments. For the particulars I must refer to the Evidence.* I shall here only mention a few things relating to Winchester College, which may serve to shew that such endowments are not less liable to perversion, than more obscure charities. The statutes, as has already been observed, require in the most express terms, that only "*the poor and indigent*," shall be admitted upon the foundation. They are in

* The Report 1818 contains copies of the Statutes of Eton and King's College, Trinity and St. John's, Cambridge, and a part of the foundation of Christ Church, Oxford. The singular accuracy with which they are printed does great credit to the industry and skill of Mr. Ellis of the British Museum, who has been employed for some months in superintending the press. This part of the Report will in a few weeks be in circulation; the part about to appear immediately contains important extracts from the Winton Statutes. The Report of 1816, contains the foundation of Westminster, Charter House, St. Paul's, and others.

fact all children of persons in easy circumstances; many of opulent parents. The boys when they attain the age of fifteen, solemnly swear that they have not £3. 6*s*. a year to spend; yet as a practical commentary on this oath, they pay ten guineas a year to the masters; and the average of their other expences exceeds fifty. It is ordered that if any boy comes into the possession of property to the amount of £5. a year, he shall be expelled; and this is construed £66. 13*s*. 4*d*. regard being had to the diminished value of money, although the warden, fellows and scholars all swear to observe the statutes, "*according to* "*their plain, literal, and grammatical sense and* "*understanding*." It is strictly enjoined that no boy shall be admitted above twelve years of age. This is wholly disregarded. The fellowships are augmented in revenue by a liberal interpretation of the terms describing their money payments; the strictest construction is adopted as to the payments to scholars, including even the founder's kin, the peculiar objects of his bounty. Thus, too, while the latter are refused the convenience of knives, forks, spoons, plates, &c. on the ground that such articles of furniture were unknown in the time of William of Wykham, the fellows are allowed those accommodations, although the fellowships were founded at the same early period. The revenues are between 13 and £14,000 a year; the yearly expence of

the foundation scholars, as now borne by their parents, is between 60 and £70: so that there cannot be any fair reason for not defraying the whole of this out of the revenues, as the founder obviously intended; and thus restoring the school to its original state. Nor would it be a deviation from his plan by any means so wide as many which have been adopted, were the number of seventy scholars enlarged, which the opulence of the establishment would render very easy. The fellowships would still be lucrative, if reduced to the ordinary value of those at Oxford and Cambridge, and they are tenable with church preferment. The infractions of the original statutes are sought to be justified by the connivance of successive visitors, and it is alledged that they have even authorised them by positive orders (*injunctions*). But the statutes appointing the visitor, expressly prohibit him from altering them in any manner of way directly or indirectly, and declare all acts in contravention of them absolutely null.* I must add, that notwithstanding the disregard shewn to some statutes and some oaths, there was a strong disposition manifested in the members of the college to respect those which they imagined bound them to keep their foundation and their concerns secret.

* Report 1818.

I am very far from taking upon me to decide, that in all those great Institutions, many deviations from the letter of the original Statutes, may not have been rendered necessary, and some infractions of their spirit advantageous, by the change of circumstances. But let it be remembered that the Committee only investigated, leaving others to act upon the result of the inquiry. We contend for nothing beyond the propriety of having the whole matter examined, and the real state of things exposed to Parliament, and the Country. They who object to our proceedings, on the other hand, begin by assuming either that all is right, or that the subject is too sacred to be touched; and they oppose every attempt to let in the light upon what is passing within their precincts, as if the hand of destruction were lifted against establishments, while in truth, we are only for subjecting them to the public eye. Nevertheless, in all such matters, it is consistent with a wise policy to respect even the prejudices of worthy men; and where voluntary improvement in any Institution, may reasonably be expected, a short delay is well bestowed, to attain the advantages of a reform at once safe and durable. Acting upon this principle, the Committee hardly touched the Universities, leaving to the distinguished individuals entrusted with their concerns, the task of pursuing the general sug-

gestions of the Report, and of adopting such measures, as their more intimate knowledge of the details might point out.

It is natural indeed, even at this early stage of the inquiry, to carry forward our views to the ultimate result, and to ask what measures may arise out of it. For the present I consider that it would be premature to enter minutely into this subject; but some consequences likely to follow from the proceedings in question, appear to deserve attention.

In the *first* place if they only lead to an accurate knowledge of all the charitable funds in the kingdom, without detecting a single abuse, we shall owe to them very valuable information, which has never yet been obtained, notwithstanding frequent attempts for that purpose by different legislative provisions. The inaccuracy of the former returns may be perceived at once, by looking at the abstract of school charities, which Mr. Rickman was kind enough to make from the returns under Mr. Gilbert's Act.* To take only two examples—In the East Riding of Yorkshire, 73 places are said to possess 67 charitable donations for schools, and their united revenue is stated at £880: whereas we now have ascertained that one school alone, that of Pocklington, has a

* Report 1816. p. 169.

revenue of about £900 year.* In Middlesex the whole revenue is returned under £5000, in 151 donations, possessed by 64 places: but the revenues of three schools, the Charter-House, Christ's Hospital and St. Paul's School, are proved to exceed £70,000 a year.†

*Secondly.* It must be of the greatest importance, to investigate all the instances of mismanagement and abuse in Charities, although nothing should be done, except to make them public in all their details by a high authority. When this publicity is given to them, a great step is made towards their correction. Where the evil arises from error of judgment, discussion may rectify it, as we frequently have found in the Committee, when, examining subscription Charities administered on a bad principle, we convinced their patrons of the error, and induced them to amend their plan. Where neglect or breach of trust is committed, the exposure is likely to check it; nay the knowledge that an enquiry is approaching, has in many instances already had this effect. Where further steps become necessary, the interposition of the tribunals now constituted for such superintendance, the Visitors and the Courts of Equity, must be ensured by the attention excited, and facilitated by the information obtained. And if, as

* Report 1818. † Report 1816.

is too probable, this remedy should be found inefficacious, both in respect of œconomy and dispatch, the surest foundation is laid upon which new legislative measures can be grounded. It may therefore fairly be assumed that the inquiry will end, if rightly conducted, in throwing complete light on the state of Charities, and in correcting all the abuses, to which they are now liable. The estate of the Poor will be, as it were, accurately surveyed, and restored to its rightful owners; or rather rescued from the hands which have no title to hold it, and placed at the disposal of the Legislature, the supreme power in the State, to be managed in the way most beneficial to those for whose use it was destined. If it were merely given to those portions of the Poor who are literally pointed out by the original destination, and bestowed strictly in the manner described, a great benefit would be gained, and among other advantages, this would result, that charitable persons, confiding in the secure application of their benefactions might be encouraged to new acts of liberality. But we may reasonably expect a further improvement to follow, from attending to the great changes in the circumstances of the times, and in the revenues of most charities. The will of the donor, which ought to be closely pursued, may often be better complied with, by a deviation from the letter of his directions. An alteration which no

man can doubt that he would have made himself, had he lived to the present day. Thus the founder of Hemsworth Hospital, in Yorkshire, when he appointed it for the reception of twenty poor persons above sixty years of age, appears to have estimated its revenues, as not likely to exceed £.70 a year: they are now more than 2,000. Who can believe that he meant to convert so many paupers, at a certain period of life, into wealthy annuitants? Or is it probable that the revenues of a school, in Northumberland, exclusively appropriated by the foundation to educate the children of a small chapelry, would have been so limited, had the donor foreseen their increase to such a sum as can only be expended, by attiring the boys in cloth of gold, and giving them *editiones principes* to read? Or is there a doubt, that the founders of the Leeds Grammar School, had they foreseen the increase of its revenues, as well as of the commercial population of the town, would have gladly permitted arithmetic and the modern languages to be taught, with Latin and Greek, out of funds greater than can now be spent on a learned education*? Or can it be imagined that King Edward the Sixth, would have strictly ordered the whole revenues of the Birmingham Charity to be divided

* See Attorney General v. Whitely, 10 Ves. jun. 24. where it is held, "that the words *grammar school* exclude all learning but the learned languages."

between the two masters, had he known that they would amount to 3 or £.4,000 a year? Cases are not wanting of charities which would be highly detrimental to the community were the will of the donors strictly pursued. Thus large funds were raised by voluntary contribution to endow an hospital for the small pox inoculation. Recent discoveries have proved that this practice extends the ravages of the disease. Could any of the original subscribers, were he alive, blame the application of this institution to the vaccine method? The Foundling Hospital has a revenue of £.10,000 a year, which will, in a few years, be increased three or fourfold, all intended originally for the maintenance of children "cast off, deserted, or exposed by their parents*." Yet such an expenditure of those funds would certainly prove injurious to the community, by encouraging improvident marriages as well as illicit connexions, and thus increasing the numbers of the poor. No one, therefore, can blame the total change of the plan which for the last sixty years has been made, with whatever view, by adopting the rule to admit no child whose mother does not appear to be examined†. The founder of the Bedford charity certainly never expected that the thirteen acres in Holborn parish, with which he en-

* Vide Charter 1739. Rep. 1816, p. 215.

† Rep. 1816, 244.

dowed it, would let for 7 or £.8,000 a year, and be the means of attracting paupers from every quarter to the town which he especially designed to favour. In all cases of either description, both where much of the benefit plainly intended to be conferred is lost, and where positive injury is occasioned, by closely adhering to the donor's directions, it seems the duty of the Legislature to supply his place, and to make such alterations as he might be presumed to sanction were he alive, in like manner as the Court of Chancery endeavours to fulfil his intentions, where his orders are imperfect, or where he has omitted altogether to make a provision.

The course of proceeding which the Legislature ought to pursue in dealing with the estates of the poor, is a subject of peculiar delicacy, and closely connected with the great question of the Poor Laws. It is chiefly in this connexion, that I have from the beginning been induced to regard both the subject of Charities and of National Education. You are aware that my intention is to submit certain propositions to Parliament upon the Poor Laws during the ensuing session, and I shall not here anticipate the discussion, which may then be expected to take place. But a few observations may properly find a place in this letter, respecting the con-

nexion between the general question, and permanent charitable funds. The remarks, then, with which I am about to conclude, relate to the principles which ought to regulate the conduct of the Legislature in dealing with charities, and which should guide us in forming our opinion upon the relief, likely to be felt by the country from the due application of funds destined to assist the poor.

I take it to be a principle which will admit of no contradiction, that the existence of any permanent fund for the support of the poor—the appropriation of any revenue, however raised, which must peremptorily be expended in maintaining such as have no other means of subsistence—has upon the whole a direct tendency to increase their numbers. It produces this effect in two ways—by discouraging industry, foresight, economy—and by encouraging improvident marriages; nor is the former operation more certain than the latter. It is equally clear that this increase will always exceed the proportion which the revenues in question can maintain.* To the class of funds directly productive of paupers belong all revenues of alms-houses, hospitals, and schools where children are supported as well as educated; all yearly sums to be given away to

* "Languescet industria, intendetur socordia, si nullus ex se metus aut spes, et securi omnes aliena subsidia expectabunt, sibi ignavi, nobis graves."—TACIT.

mendicants or poor families; regular donations of religious houses in catholic countries; the portion of the tythes in this country which went to maintain the poor before the statutory provision was made; and finally, and above all, that provision itself.* But charitable funds will prove harmless (and may be moreover beneficial) exactly in proportion as their application is limited to combinations of circumstances out of the ordinary course of calculation, and not likely to be taken into account by the labouring classes in the estimate which they form of their future means of gaining a livelihood. Thus they may safely be appropriated to the support of persons disabled from working by accident or incurable malady, as the blind, and the maimed; and we may even extend the rule to hospitals generally, for the cure of diseases; nor can orphan hospitals be excepted, upon the whole; for although certainly the dread of leaving a family in want, is one check to improvident marriages, yet the loss of both parents is not an event likely to be contemplated. In like manner, although the existence of a certain provision for old age, independent of individual saving, comes within the description

* The Poor Rates come clearly within this description as now raised and applied, for though they do not exist previously to the demand on the part of the persons claiming relief, the mode of calling them into existence and the right to do so is known, and that has the same effect.

of the mischief, it is nevertheless far less detrimental than the existence of an equal fund for maintaining young persons, and more especially for supporting children. Keeping these remarks in our view, let us add to them the consideration, that as the Poor Laws have been administered, the character of the labouring classes has suffered a material injury, from which it ought by all means to be restored, and we shall come to the conclusion, that the application of charitable funds to purposes of education merely, will be the best means of expending them on a large scale, and that next to this, such donations are to be preferred as directly encourage independence, for example, a provision for the old age of persons who never received alms in any shape; and for defraying the first cost of erecting saving banks. The employment of these resources in helping industry by the supply of tools is a more doubtful application of them, but far more harmless than the methods generally in use. Perhaps, after the uses now mentioned, no expenditure of eleemosynary revenues can be devised more safe than reserving them rigorously for periods of extraordinary distress, and then bestowing them upon persons above the lowest classes, so as to prevent the ruin of householders.

I am very far, however, from asserting that any such strict limitation of the charitable funds already

existing ought to be attempted. I only state the principle upon which the Legislature should proceed, wherever it is justified in interfering. What circumstances may authorize that interference, cannot be, with any advantage to the subject, described in general terms. But that no rights are in reality infringed by taking a fund destined to support the poor in a way likely to increase their numbers, and using it so as to perform some act of charity without increasing the numbers of charitable objects, seems abundantly evident. No man can be supposed to have desired the existence of paupers; every donor assumed that independently of his bounty, there were such needy persons in being, and he intended to relieve them. Could he have foreseen that an alteration in the form of his gift, must reduce their numbers, he would have adopted it. In like manner, the poor are not, with reference to this point, an existing body of persons, like the Church or any other Corporation, who have rights of property. They form a class into which no man enters voluntarily, and whatever diminishes their numbers, benefits the community. So that no violation of property would be committed by using any fund given to the poor, in a manner different from its original destination, provided the result were infallibly to lessen their numbers, and still to employ it in works of charity. We both accurately and conveniently

# TWO LETTERS

FROM

# AN ENGLISH GENTLEMAN

IN

# Paris.

London:

PRINTED FOR JAMES RIDGWAY, PICCADILLY.

1822.

GREEN, PRINTER,
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# TWO LETTERS,

*&c.*

Paris, Dec. 1, 1821.

As the ferment now spreading over Europe, had its origin in the revolution of France, the subjects of all neighbouring states are equally interested with those of that kingdom, in whatever regards its present moral and political condition: the principles, therefore, on which the government of Lewis XVIII. has been carried on since his restoration in 1814, constitute a legitimate object for inquiry, and what under other circumstances would be justly considered an improper and offensive interference on the part of strangers, has become a public right, founded on the principle of self-preservation: agreeably to your request, therefore, I have committed to paper the following remarks.

It is now five years since I last visited France, and, having consulted the same sources

of information which enabled me to appreciate in some measure its condition at that period, I find, that notwithstanding there exists in the great mass of the people, an increased and growing disposition to return to the principles of justice and good order, all attempts to close the wounds, by repairing the devastations of the revolution, are, by some fatality, still opposed by the governing powers; and as the official authorities in almost every department of the state, have been systematically purged of such individuals as had betrayed any marked bias in favour of religious or monarchical principles, the spirit of the revolution, so far from being subdued, has been consolidated, and, singular as it may seem, the christian monarchy of France appears as if barely suffered by the government itself, to float for a time on the surface.

Can any other conclusion then be drawn, than that the policy adopted by Lewis XVIII. since his restoration, has been, to say the least of it, erroneous?

In the first place, not to speak of consequences of a more serious nature, it is a matter of perfect notoriety, that by the policy in question, the king has gained no credit whatever with the revolutionary party, either within or without France. With the former, its sincerity is necessarily suspected, whilst, with the latter,

the fact even of such a policy being pursued, is either unknown, or diligently suppressed; so that, whilst the christian and the royalist in France, complain, with substantial reason, of the most marked and contemptuous neglect, the opposite party throughout Europe affect the loudest lamentation over the imaginary restoration of feudal oppression and gothic superstition!—The same observation will apply to the line of conduct pursued by the clergy and nobility of France, since the king's restoration: their unexampled forbearance and disinterestedness; their more than passive submission, under acts the most unjust and oppressive, have merited to them no credit whatever with their enemies. We are perpetually told in England, that the French nobles are provoking fresh convulsions by their unceasing reclamations; and a noble earl, in the last debate on the Catholic Question, was not ashamed to urge on this head as an argument against the Bill, the grossest calumnies against the religion and clergy of France; calumnies, which his late residence in that kingdom rendered altogether inexcusable, and betrayed a mind, little suspected by those, whose society and hospitality he had there so long, and so often courted.

The vulgar adage, that "Honesty is the best policy," was never more strikingly verified: had Lewis XVIII. at the all-powerful moment of

his restoration, but avowed his resolution to conquer the moral, as the allied armies had overcome the political evil of revolutionary France; had he but pronounced the sentence "*Fiat Justitia*," he would have met the warmest wishes of two-thirds of his subjects, and the expectation of all: he would have *at once* silenced as well abroad as at home every insidious and every cowardly objection, and all Europe would have long since applauded. Unfortunately, however, for the future peace of the world, Lewis XVIII. listened to the suggestions of men, who told him that to govern France agreeably to the maxims of justice and honour, was no longer practicable, for as nearly the whole kingdom had shared in the spoliation, as well as in the guilt of the revolution, the attempt would only involve his family in hopeless ruin, and that, in all events, the talent and good sense of the country were confined to those, who, like themselves, had been actors in it.

The men who thus boldly asserted that all France had been sharers with them in the spoliation and guilt of the revolution, and that talent and good sense were only to be found where honour and religion were wanting, are too well known to need any mention of their names: it is difficult, however, to conceive, how Lewis XVIII. in the month of May, 1814, could have been reduced to the extremity of selecting for

his guide and counsellor the individual proclaimed by Europe, "the most profoundly immoral in France;" and still less can it be understood how the brother of Lewis XVI. should have deferred at a later period, to the suggestions of the murderer of his family, and the public assassin of his subjects!

Was it not enough to have endured twenty years of exile, contumely, and distress, presenting to the world a spectacle of heroism equalled only by the desperate fidelity exhibited in the last age, by the generous adherents of the Royal House of Stuart?* Was it reserved for the

* Justice will sooner or later be done to the memory of king James the Second: his race is now extinct, and truth can no longer excite apprehension or jealousy: that He possessed, in an eminent degree, every quality fitted for his high station, excepting that of being of the religion of the majority of his *English* subjects, will, in the course of a few more years be generally allowed: certain it is, that He was the first British monarch who evinced opinions favourable to religious liberty, and the only one of his race that had the virtue and the resolution to protect the many millions of his catholic subjects against a blood-thirsty and tyrannical parliament.

If the second Charles had fallen in a similar attempt, and had opposed the shield of his real or assumed prerogative (it matters not which) to those judicial murders which were perpetrated under constitutional forms during the national delirium of *Oates's* plot, the memory of that prince would be dearer than it now is to the friends of liberty and justice; for surely parliament is not alone competent to protect the li-

French emigrant to receive the last, the deadly blow, from him who had been at the same time

berties and the lives of British subjects against the tyranny and encroachment of the throne, and the throne in no case to step forward to protect the liberties and lives of British subjects against the tyranny and encroachment of parliament!—Does it matter to the subject whether he be freed from sanguinary oppression by one or the other branch of the legislature?

The Irish catholic had as much right to law, and as good a claim to a free constitution as the English protestant, and yet under the canting pretext of law and constitution, the Irish nation, by the revolution of 1688, was in fact outlawed, and one-third of the population of the three kingdoms put out of the pale of the constitution.

The more hazardous, the more imprudent, perhaps, the attempt, the more magnanimous was the conduct of king James: unlike his brother Charles, who on the occasion of that national disgrace, the murder of lord Stafford, exclaimed, "I dare not pardon any one." He forbade the parliament to butcher his subjects any longer, and to deprive them of their liberties and property, with the mockery of constitutional forms.

The secret of the Revolution of 1688 is no longer a mystery: religion had so small a share in the measure, that there were twice the number of catholic soldiers in the Dutch invading army in Torbay, than there were in the English army at Salisbury; and the very guards of William placed over the captive king at Rochester, insisted with their prisoner at mass. "My soul (said one of them) is God's, but my sword is the prince of Orange's." The sole object was, to oppose a stronger barrier to the ambition of Lewis XIV. by forming an alliance, at the head of which William Prince of Orange might be placed, as king of Great Britain.

With this great plan in view, the dethroning of king James II., as the personal friend as well as relative of the

the cause, and the companion of his exile, "Et tu Brute"?'

French monarch, was determined upon before the death of Charles II.; and the earl of Sunderland, who had been deeply engaged in the previous conspiracy of the Exclusion Bill, was pitched upon to form an administration for the new king, and to lead James on to his destruction, by every possible artifice. Faithful to his trust, lord Sunderland opened a career of the deepest laid treachery recorded in history by abjuring protestantism, and feigning to adopt the religion of his master, urged him on to every act he conceived most likely to forward the great plan of placing William on the throne of his father-in-law and uncle.

When James's queen, backed by all the catholic peers, flung herself at the feet of her husband, to persuade him from the unnecessary odium of introducing father Petre into the council, Sunderland, who had advised the measure, interfered and insisted upon its being carried into effect; well knowing, that the actors in the intended revolution would have failed in their principle means of popular excitement, had king James not awakened the utmost jealousy of the church; for if the pretext of political tyranny had been the only grievance, those who had submissively bowed under the iron rod of Cromwell, might probably have borne the government of James. Such, however, is the inconsistency of party, that we have seen in our own days, in France,—*republicans* conspiring against a constitutional monarchy, for the restoration of an imperial despotism: in England,—*whigs*, the professed friends to civil government and liberty, watching the appearance of an additional red coat in Pall Mall on a levee-day, and yet the avowed admirers of Napoleon, the god of war, and the genius of military government:—the *tory*, sounding the alarm of destruction and ruin, at the bare mention of any innovation, however slight or useful, and yet en-

The page of history would not have furnished a more sublime example, had the most chris-

tertaining the most rancorous and bitter hostility towards the catholic, a living monument of the ancient manners, opinions, and religion of England!

The manes of Palm the bookseller, and of three millions of French conscripts, might speak, one would think, more eloquently to the lovers of the freedom of the press and of the constable's stave; and the noble ruins of Ragland Castle, the last hold of a protestant king, might speak, one would think, with equal eloquence to the descendant of its illustrious catholic hero.

The astonishing defection among the nobility and superior officers of the English army at Salisbury, contrasted with the fidelity of the common men, illustrate in a very remarkable manner, the decay of honour, and of chivalrous sentiment among the higher classes at that period in England. If the advice offered to king James, of transferring to the non-commissioned officers of his army, the commissions of all those who had shewed a disposition to desert to the enemy, a battle would certainly have been fought on the plain of Salisbury, which, probably, would have spared the brave lord —— from the pain of retreating at White Hall, before the Dutch guards of William, and abandoning the ancient palace of our monarchs to an invading enemy.

James II. proved the sincerity of the principles of religious liberty which he professed, by his noble reception of the persecuted protestant subjects of Lewis XIV. after the revocation of the edict of Nantes, and he fell himself a victim in endeavouring to emancipate his own. He devanced the age in which he lived, and the nineteenth century has witnessed the efforts of every great and good man in Britain, engaged in the same cause of religious liberty which cost king James his throne.

tian king declared to Europe, that to remount the throne of Saint Lewis and of Henry IV. upon any other principles than those of religion and honour, would be consolidating for ever the very principles which had justly armed Europe against France, and that, at least, the scandal of apostacy and ingratitude had not attached to the reign of the usurper.

To estimate the value that such a declaration would have been to the cause of honourable feeling, would be as difficult, as to determine the extent of mischief produced by an opposite conduct, and which no pretext of policy could palliate, far less justify.

But what, if there were no policy in the measure? what, if the very reverse of policy were the truth? what, if talent, genius and numbers, to say nothing of religion and morals, were decidedly in favour of justice? Surely we must conclude that Lewis XVIII. has been, and continues to be, the dupe of a faction, reduced by the combined strength of Europe, to accept for a time, but fully bent on the ultimate extirpation of his race; for with what other view could it have been, that contrary to all rules of common-sense, and all experience of human nature, the entire machinery of the revolution was preserved as the most sacred and religious deposit? not so much as a single clerk in office

removed, but, on the contrary, laws and ordinances, ingeniously contrived, so as to close at once the avenues of preferment to almost every Frenchman who had shared with the king in his emigration, or had remained faithful to him in France, as if it were expected, that every creature of Napoleon would suddenly, by some enchantment, become enamoured with the government of Lewis XVIII. !

The consequences of such a system need scarcely be told. Napoleon, it is but too well known, travelled from the shores of the Mediterranean to Paris, assisted as he would have been in the zenith of his power, by every civil and military authority, and the flight of the king from the Tuileries to the frontiers, was attended with equal peril and difficulty, but with far less honour than it had been twenty-three years previous.

But what would have been the situation of Lewis XVIII. had the battle of Waterloo been lost? How would he have justified himself before the nations of Europe, who, but ten months previous, had restored the monarchy of France, and had placed in his hands a sceptre more powerful than that of the greatest of his predecessors? for, which of these possessed the power of framing a constitution for France, and the glorious privilege of repairing the de-

vastations of the most horrible of revolutions, by recompensing the sublimest virtues, and punishing the most atrocious crimes?

Even the wise intention of remaining on French ground was defeated, and Marshal Mortier can best tell in what manner, for it was his signal act of treason in marching back the garrison into Lisle which furnished the flimsey pretext for the departure of the king beyond the territory of France; a step as unnecessary as it was hazardous, which immediately determined the general defection in favour of Napoleon, and enabled him to employ the national resources, as well against the allied armies as against the royalists in the western and southern provinces.

It is said, that the interpreted abdication of our king James II. was a point of history well known to Marshal Mortier and to his more immediate patron; but, be that as it may, the result of the battle of Waterloo necessarily caused a change of tactics, and it then became necessary to associate the legitimate line of the Bourbon dynasty with this second conquest and humiliation of France.

Lewis XVIII. was accordingly made to return on the back of foreign armies, rather than avail himself of the services of thousands of his own subjects, but the victors at Waterloo might then have been deemed the allies of the king of

France, and such was not the policy of the colleague of Collot d'Herbois; his was, to exhibit Lewis XVIII. in every situation that might lower and disgrace him in the eyes of multitudes, who otherwise, faithful to their sovereign, were still alive to the military glory of their country.

A Bourbon at the head of Frenchmen, would have, at that moment, saved his own and the national honour, but to prevent this, a late prince, whose growing popularity it became necessary to cut short with the assassin's knife, was prohibited, as well as the band of brave men assembled round him from making the slightest exertion, whilst, with the same sinister view, the efforts of the Vendeans, a people, whose unconquered struggles in the cause of religion, liberty, and honour, will descend to the latest posterity, and who will be recorded as the "Ultimi Romanorum" of Frenchmen, were artfully paralised, and after losing on the field of battle their gallant chief, Louis de la Rochejaquelein, a hero, whom no bribe could purchase, no danger could dismay, and no art could cajole, were duped by a man, at the mention of whose name even the murderer grows pale, but who, to the horror and disgust of the christian world, was shortly after exhibited as the minister of the most christian king.

Credit was again courted with septembrizers

and terrorists, on the hacknied and sickening pretence *of having prevented the spilling of French* blood by Frenchmen ; and a sort of partnership in revolutionary spoil was actually set up in a manifesto dated from Cambray !

But, to crown all, those, who in obedience to the king's proclamation of the 19th of March, 1815, had joined the royal standard, instead of receiving the wages of fidelity, were included in an act of AMNESTY, as having deserted their respective corps !—and those, who agreeably to the king's proclamation of the 23d of the same month, had declined serving Napoleon during the hundred days, or who, in a few instances had distinguished themselves in some official department as royalists, became on the king's return the objects of reform !—whilst every demand upon, or contract entered into with the imperial government during the same period, was scrupulously discharged, leaving those only unsatisfied, as had been created for the supplies and provisioning of the royal army in the western provinces !—As extremes meet, it would be difficult to qualify acts of this description, and to which posterity will scarcely give credit.

Still the public opinion of France shone forth in the return of deputies to the chamber of 1815 : anxious in the first place, that the murder of Lewis XVI. should not be imputed to France as

a national crime, they decreed the simple removal from the French territory of his assassins: desirous further of preserving to the church the unsold wreck of its ancient patrimony, they ventured to oppose a ministry determined on exacting from Lewis XVIII. this last pledge; a pledge, somewhat similar in its object to the one demanded from Napoleon when required to shed the blood of a Bourbon; but this was too much; the chamber designated by the king himself as "introuvable," was dissolved by his ministers; the most unconstitutional means were openly, and officially employed to prevent a similar return, and the law of election remodelled, soon secured a majority, which, after bringing the monarchy to the brink of destruction, and exposing therefore, too prematurely, the object ultimately in view, a partial change of system became necessary; the law of election was once more changed, and the return made to the present Chamber of Deputies, is again conclusive of the public feeling and real wishes of France.

Enough has now been stated, I think, to show the regular chain of measures by which Lewis XVIII. has been constantly kept on the brink of that precipice, into which it is intended, however, that his successor only should fall.

Still the great wound (as it has been justly termed) of the revolution, and certainly the one which, so long as it remains open, will threaten,

*by its example, the dissolution of the present* frame of civilized society, is the unqualified legal confirmation, by the legitimate government of France, of the property termed NATIONAL. The apathy, to say the least, which has hitherto appeared to prevail on this subject throughout Europe, is perfectly astonishing. Men of the most honourable minds seem to view with indifference the spoliation of every man of honour in France: dupes, it must be presumed, of the same faction which has blinded Lewis XVIII. they falsely imagine, that the great majority of Frenchmen have shared in the spoliations of the revolution, and to restore, therefore, would be only again to despoil, and expose France, and consequently Europe, to fresh convulsions. The reverse, however, is the truth. The holders of property termed *national*, are only numerous enough to threaten, by the scandal of their titles, the principle of all property, and the peace therefore of every neighbouring nation, and to turn the scales, when called upon, in favour of any conspiracy in France against the legitimate line of the present dynasty, this being one of the principal motives for leaving so long unsettled the question of those titles, and why unsettled, because notwithstanding seven years of seemingly anxious and repeated declarations, it has been evident to every man of sense that to attempt such a measure by declaration only,

could serve but to keep alive suspicion and alarm; and that if the ministers of Lewis XVIII. had been really anxious to unite conflicting parties, by setting this great question at rest, and to re-establish good order by re-establishing justice, they would have long since procured a legislative arrangement between the old and the new proprietors: men do not believe in gratuitous and bare-faced injustice, and seven years of repeated declarations have not sufficed to raise the value by one shilling, or to efface from the property and its holders, the original stain of infamy: driven out of the market, the property in question has, comparatively speaking, scarcely changed hands; and least the sale-room should be deserted by every individual of any reputation or honour, the printed particular always proclaims in large characters, that the property offered to the public is *patrimonial*.

Every wall in Paris bears testimony to this honourable proof of the triumph of public opinion, and perhaps the most extraordinary spectacle ever exhibited in a christian country, is the struggle now maintained in France betwixt the returning tide of honourable feeling, and the dykes opposed by the governing powers! Who would have thought, in 1789, that in the period of thirty-two years, personages and things would have been thus reversed?—and is there any other government under the sun, that, after

such frightful convulsions, would not gladly avail itself of this return to sentiments of decency and good order, and hasten to efface, as far as possible, the crimes of a revolution, the principles of which, if nationalized, must place the French people below the level of savages; whereas, if revolutionary France has produced the greatest monsters in the shape of men that ever inflicted the earth, it has exhibited also the sublimest examples of virtue that ever adorned humanity; and, as it was said after the murder of Lewis XVI. that no man would have thenceforth acknowledged himself a Frenchman had Lewis XVI. himself not been one, in the like manner have the victims of the French revolution more than redeemed the country of their assassins. But perhaps it will be objected, that a return to religious and honourable principles might threaten danger to what are termed the interests of the revolution; but if the interests so called be really incompatible with religion and honour, why not acknowledge the fact, and proceed without delay to cure so destructive an evil? Why not do that at once, which, by uniting conflicting parties and allaying jealousies, can alone give stability to the legitimate dynasty, and destroy the germ of future revolution?

The pages of our own history will, I fear, solve the enigma, and render the present situ-

ation of France more clear. Let those who are well versed in the reign of our second Charles make the application, and they will find nearly each part, and each personage within the court of the Tuileries. Our revolutionary interests of 1660, were confirmed by the Irish Act of Settlement, as those of 1814 have been by the French charter; and as the confirmation of the former soon proved incompatible with the legitimate dynasty of the Stuarts, the confirmation of the latter, as intended, will inevitably produce a similar result.

The example of Ireland, instead of being chosen as a precedent, ought rather to be held up as a beacon, to every nation on earth, least they should reap, as England now does, the bitter fruits of persecution and injustice: the wrongs of that devoted kingdom have been greater than those of any other nation under the sun, and must call down, sooner or later, the vengeance of heaven: no country has been injured like Ireland, and none have borne injury with such heroic constancy and forbearance.

The Irish, in the days of Oliver Cromwell, were the Venetians of the British monarchy, and their services met with a similar reward from the treacherous advisers of the restored monarch; but the ministers of Lewis XVIII. should be reminded, that 160 years have not

sufficed to obliterate the recollection of spoliations, which, by demoralizing Ireland as they have done France, still divide that unhappy nation into two distinct people, the despoilers and the despoiled; the victims, and their oppressors.

Fortunately, the force of public opinion in France, as well as in our own country, is rapidly gaining ground, and will, no doubt, ere long, prevail in both: in the former, the only two points, which, under present circumstances, deserve to engage the immediate attention, and unite the efforts of all honourable men, are the restitution of property confiscated during the revolution, in some way that can save the eternal principle of justice, and the endowment of the clergy in any way that may enable them to exercise their ministry with dignity and independence. Aristocracy, if despoiled, and consequently degraded, can be of no constitutional utility to any state, and religion can never be respected by the people, so long as the clergy are reduced to the level of hired agents of the police: these two points once gained, the other evils so justly complained of, would quickly be remedied; the chamber of [redacted] in particular, by being enabled to assume a more dignified attitude, would soon strike a root in public opinion, instead of floating, as it now does, without rudder or compass, ready to be blown

aside by the first political storm; and the policy heretofore pursued of degrading that chamber, and filling every other official department of the state with none but individuals, attached to what is termed the interests of the revolution, would soon cease to exist: a similar good would flow from a proper endowment of the clergy, in lieu of the miserable stipend now doled out to them, and which, by degrading the teachers of religion to the situation of salarized officers, necessarily impress upon the people the idea, of their being mere tools of government, and destroy altogether their true character as ministers of the gospel; a gospel, indeed, so incompatible with revolutionary spoliation, that, so long as the latter be upheld by the state, the former can never be successfully preached, or re-established in France.

Several excellent works, published in the course of the present year, sufficiently prove the amelioration in the public mind on the subject in question. That by M. Bergasse, entitled, "Essai sur la propriété, ou considérations morales et politiques sur la question de savoir s'il faut restituer aux Emigrés les héritages dont ils ont été dépouillés durant le cours de la Révolution," is by far the best in point of moral principle.

Two others, one by M. Dard, entitled, "Réflections sur les moyens de faire cesser la dif-

férence qui existe, dans l'opinion, entre la valeur des biens patrimoniaux et les biens dits nationaux, et sur les avantages qui en résulteroient pour les finances, pour la sécurité des propriétaires de biens nationaux, ainsi que pour les créanciers des Émigrés ;" and the other by M. Sarrant, entitled, " De la nécessité, et de la légalité de demandes en indemnité à raison de biens vendus par l'état, et de toutes autres réclamations légitimes à poursuivre par toutes voies et contre qui au nom d'Émigrés ou autres françois dépossédés ;" are very ably executed, and the positions laid down in them juridically and satisfactorily proved, establishing the undoubted rights of the parties despoiled, as creditors of the state, to a full indemnity, without disturbing in any manner the possession of the present holders ; but on the other hand, this consideration of the case is open to a decided objection in a moral point of view ; for, if the principle of indemnifying the legitimate proprietors by the state, be acted upon agreeably to the plans proposed by Messrs. Dard and Sarrant, the immediate effect will be, to raise the property, termed national, to an equal value with patrimonial property, and the state, in this case, would be clearly entitled to claim in aid of the indemnity, the amount of the present difference, or deficit in the value of the former from the national holder.

The possessors of national property have never deceived themselves on this head, and they have all along known, that they were menaced with a surcharge in the nature of a confirmation tax; and had the Napoleon government lasted, it is a matter of notoriety that one of the first financial operations intended, was a measure of this description, and for which the materials were all prepared, and are still fortunately preserved: it would be singular indeed then, if the government of the king had more scruples in using them, than that of Bonaparte.

The objections urged, on the ground of the confirmatory acts and declarations by the successive governments de facto, and lastly, by the legitimate government in 1814, are allowed in the works of Messrs. Dard and Sarrant far more weight than they deserve, as they must fall at once to the ground, when placed in opposition with the paramount consideration of eternal justice, and the general interests of civilized society. The holders of property termed national, who, in nine instances out of ten, may be considered as having been the mere accomplices of a mob government, in its plan of general spollation, as the means of consoljdating the revolution; and who, in the far greater number of instances have never paid to the state more than two years purchase, in many not three months, and in none more than five years, can-

not surely be entitled to the least indulgence, and still less to a premium; it is, moreover, of the most serious import, that the vast majority of high-minded and virtuous individuals who refrained from participating in this conspiracy against the lives and property of their fellow-countrymen, should not now be exposed to the scandal of witnessing their less honourable and less virtuous neighbours, not only gratuitously confirmed in their titles to the property in question by the legitimate government, but the further boon granted to them of having their holdings, *patrimonialized*, at the expense of the state, by an operation, which would at once remove the odium now so justly attached to their present tenure.

This spectacle, not only of successful, but of rewarded villany, and the consequent shock given to the moral feeling of France in particular, a feeling, which it is of such importance for the interests of Europe at this moment to revive, would be incalculable in its consequences. If, therefore, the plan of indemnifying the legitimate owners, who forfeited their property for no other crime than that of upholding the principles to which Lewis XVIII. owes at this moment his crown, be pursued, and to which indemnity there exists no doubt of their being legally and constitutionally entitled, the intrusive possessors ought necessarily

to be made sharers with the state, in the burthen of carrying the operation into effect, and they would still be immense gainers by the measure, as their property would instantly be restored to commerce: the chief obstacle to the restoration of religion and honourable feeling in France would then at length be removed, and the employment of virtuous and honourable men in the various departments of the state would follow as a natural consequence.

Taking, however, into consideration all the bearings of so difficult and delicate a question, there appears to be only one mode calculated to satisfy all parties, and save, at the same time, the eternal principle of justice, upon the basis of which alone a nation can hope to stand.—Let each of the three parties interested, viz. the nation, who must be supposed to have received the value of the property sold;—the purchaser, who is supposed to have given that amount;—and the legitimate owner, who has unquestionably lost the whole, be placed upon an equal footing, and let each give up one-third of their respective pretensions.

By this arrangement, the national purchaser would only cede a nominal third, of which public opinion has already deprived him;—the state would be saddled with no additional burthen, as the increased duties that would become payable to government in the event of so great a

mass of property being restored to commerce, would be far more than equal to the amount of the nation's share of the indemnity;—and the legitimate owner would of course be happy to pay a third of the value, in order to obtain possession of the remaining two-thirds.

If, however, in consideration of the guarantee given by the legitimate government, it should be deemed right for the present holders to have the option of retaining possession, upon paying one-third of the value to the ancient proprietor, the latter receiving one other third from the state, the principle would still be the same, as in either case the national purchaser would lose nothing; for, if the national holder surrendered up the property for two-thirds of the value to the legitimate owner, he would obtain the full market-price, and if he retained it by paying one-third, he would recover to that amount, by the property being raised in estimation to its full value;—on the other hand, it would be a matter of indifference to the government, whether it paid one-third to the legitimate, or to the intrusive proprietor, as the state would equally recover the amount by the increase in the revenue.

A similar operation with regard to the property of the church (so far as it could be effected) would be of still greater advantage to the state, for besides the improvement in the revenue, a proportionate amount of the pre-

sent annual provision for the clergy would be spared.

In all events, a re-action is working in the public mind, and the greatest good may be expected from the spirit and temper of the present Chamber of Deputies: an association has even been formed, entitled "L'Association constitutionnelle pour la défense légale des intérêts légitimes," and which, if conducted on proper principles, and by respectable individuals, cannot fail of being supported by every honourable man in France. The absurd attempt, indeed, at reconciling revolutionary interests with what is termed a legitimate dynasty, and of re-establishing the principles of justice and property on a basis destructive of both, appears at length to be confessed; for surely, to claim an hereditary indefeasible right to a *feudal* crown, and to deny an equal right in the subject to his castle;—to assume the style of Lewis XVIII. in the twenty-sixth year of his reign, and to preserve and recognize at the same time the laws of the republic;—of the directory;—of the consulate;—and of the empire even to the hundred days;—are positions not calculated to last beyond the duration of it: the next in succession must pay the penalty of such a system, and the *duke of York* soon make room for the *prince of Orange*.

To set this important question, therefore, at rest during the life of the present monarch of

*France, is of the utmost consequence to a prince,* with whose fortune the future tranquillity of Europe is unquestionably linked, and with whose interests the sympathies of every true gentleman in Europe must accord: this illustrious prince, cannot too soon be made sensible, that this is one of the many questions *purposely reserved* by the enemies to a *legitimate* succession, and that this *provisional system* of ruling France, extending as it does, to almost every branch of the administrative government, is the result of the *deepest laid plan*. Certain it is, that no harmony whatever, has as yet been established, betwixt the principle of the restored monarchy,—the charter,—and the legislative code!

The forms and constitution even of the two chambers are provisional, and with respect to the church, whilst the clergy are supported by a precarious and degrading pittance, thousands of parishes are without pastors:—the observance of the Sunday, a day equally consecrated by philosophy and religion, is openly, and designedly violated by government in every public work now carrying on:—and the kingdom remains covered with edifices, formerly dedicated to the worship of God, but now degraded to the vilest uses, exhibiting in a civilized christian country a scene of vandalism, sacrilege, and violation of the ashes of the dead, unknown to pagans, and unwitnessed by christians, since the 16th century.

If these lines were accidentally to come under the eye of the illustrious person above alluded to, he may be assured, that the writer has proceeded on no light or imaginary ground, and that if the system be not changed in time, the evil will be irremediable. The peculiar position and reputed opinions of Lewis XVIII. would enable *his* ministers to effect that with ease, which would shake to its centre the throne of his presumptive heir; and yet the *legitimate* successor of Lewis XVIII. could not hold, for one twelvemonth, the reins of a monarchy without honour, and of a state without justice: it is of the utmost import, therefore, that this provisional system of government in all its ramifications, should without delay be remedied.

With respect to the conduct of the French chamber of peers since the king's restoration, it would perhaps be difficult to estimate it with any degree of fairness:—their astonishing silence of seven years has certainly seemed to sanction the declaration contained in the 9th article of the charter: if those only had been despoiled who have obtained seats in that chamber, such singular forbearance might perhaps be considered as an excess of magnanimity, but the case is too widely the reverse to deserve that praise, and the French Chamber of Peers should not have forgotten that they are at present the sole representatives of a body possessed by no other

organ but theirs, to protest against injustice and oppression.

Marshal Macdonald, one of the few soldiers of revolutionary France, who, in the midst of political tempests, has risen to the highest honours of his profession with a name unsullied, has, as yet, by his motion in 1814, alone merited, in the upper chamber, the thanks of all honourable men:—Justice and honour are indeed no party questions, and every individual in France, who bears on his breast the symbolic decoration of the latter quality, is in a peculiar manner bound, whatever his political opinions be, to support the claims of men, whose fidelity and honour have been their only crimes: but it has been reserved, we must hope, for a nobleman, whose motto "(1689 *semper et ubique fidelis* 1789") has been the faithful portrait of his own life, and whose talents and personal qualities are only equalled by his illustrious descent, to declare himself the patron and advocate of his oppressed and insulted order, and not to relax in his endeavour, until he shall have wiped away from France a stain, which by its example, must sooner or later infest all neighbouring nations, and extinguish for ever in Europe every chivalrous and honourable sentiment: there are crimes against the community of mankind which affect the interests of foreigners, as well as of natives: and when spoliation

and murder were consecrated by the 9th article of the charter of Lewis XVIII. and that the most christian king took into his council the public assassin of his subjects, and the murderer of his brother, a more deadly wound was inflicted upon the moral principle and civilization of the world, than it ever before had suffered, even from ages, henceforth wrongfully esteemed the most barbarous.

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Paris, Feb. 1, 1822.

The great and very important change, which has taken place in the French ministry, will soon render obsolete, I trust, most of the observations contained in my letter to you of the first of December last. The tide in favour of justice and honourable feeling was running too strong to be any longer opposed, and if the individuals now in power, redeem the promise of their high reputation, they will not only have saved their country, but will enable her to resume her station among nations, and to uphold, if required, the liberty and independence of others; compensating, in some degree, for the unprecedented calamity and devastation, which, during upwards of

twenty years, she inflicted upon herself, as well as upon Europe.

It remains now only for us to hope, that the *influence* of the late French ministry having *ceased*, the English press will take a juster view than hitherto, of the state of parties in France.

One English morning print has kept itself unbiassed by faction or *influence*, and by that print alone has France been fairly exhibited to our grossly-mis-informed and prejudiced countrymen.

The senseless appellation of *ultra*, invented by Fouché when minister, and given to every royalist in France, will pass no longer current; for the king's government having at length become royalist, it may be presumed, that it will no longer quarrel with those who may be anxious to support its measures.

M. Lalot, in his late speech in the chamber of deputies, exposed in the happiest manner, the absurdity, not to speak of the infamy, of preferring foes to friends; and Lewis XVIII. seems to have learned from it, that his immediate predecessor in power was not quite so apprehensive of *his* friends, as to prefer a La Rochejaquelein, to a Labedoyère, and that ultra Bonaparte-ism, was neither a term of reproach, nor a road to poverty and neglect, with Napoleon.

"*Si j'avois une Vendée, je ne quitterais point la France*," was the exclamation of Bonaparte.

previous to his final departure from Paris in 1815;—and three months previous, the descendant of Lewis XIV. had preferred passing the frontier, rather than avail himself of eighty thousand Vendeans, who had risen in arms, to defend the throne of saint Lewis, and of Henry IV.!!!

Of two extreme principles, the one assumed by Lewis XIV. was by far the most salutary. That great prince was accustomed to say "*L'Etat, c'est moi;*" that is, the commonwealth is represented in my person, and in times therefore of commotion and peril, to stand by me, is to combat for the general interests of all.

How infinitely beneath in policy, in sentiment, and in duty, was the mistaken conduct of the unfortunate Lewis XVI.;—if on the 10th of August, 1792, instead of betraying his post, by abandoning his faithful defenders, he had acted on that day the part of a king, the misfortunes he would in all probability have spared to himself, to France, and to Europe, are not to be estimated.

"*No man shall fall in my quarrel,*" was the calamitous position of Lewis XVI.; a principle, which cost more blood, more tears, and more misery to his subjects, than the world had ever before witnessed, and yet it merited to this unfortunate prince, so little credit with his ferocious persecutors, that one of the principal

accusations preferred against him by *Robespierre*, was that of being the assassin of his people!!

Mutual support and attachment are reciprocal *interests*, as well as duties, betwixt a monarch and his subjects, and no view can be more false or mistaken, than to see in the enthusiastic fidelity of the Vendean, a mere blind attachment to the *person* of a king, abstracted from the relative duties of the latter towards his people. History has taught mankind, that no tyranny is so insupportable, as that of a revolutionary democracy, and the French revolution has established the position beyond dispute: wise and good men, under a monarchy, will always therefore be strongly inclined to uphold the doctrine of a *legitimate* succession, and it is the concealed advocate for tyranny, who is ever most zealous in promoting its destruction.

The only true friends of liberty in France, were unquestionably those, who clearly perceiving the seeds of oppression in the very earliest outset of her revolution, attempted to stem the torrent, and to save their country from the threatened ruin.

Certain it is, that the sole opposition in France to the sanguinary oppression of a Robespierre, a Carnot, a Fouché, or a Napoleon, proceeded from the christian royalist, whilst republican theophilanthropists, not only bowed their necks

under the successive yokes of the national and legislative assemblies, the convention, the directory, the consulate, and the empire, but became principals themselves, in such atrocious acts of civil tyranny and religious persecution, as have disgraced the annals of the human race.

The attachment, then, of the royalist to his legitimate sovereign is founded, first, on a sense of his own duty as a subject; and secondly, because in the person of his legitimate sovereign, he has a right to expect a guardian, the protector of his life, liberty, and property: fidelity and affection, however strong, under such circumstances, can never be deemed *excessive*, for, where mutual support and attachment are reciprocal ties, to give a soul to one's duty, and to sway the senses on her side, is the result, not of fanaticism, but of the soundest philosophy.

The error, therefore, to which the unfortunate Lewis XVI. fell a victim, viz. of separating his *abstract* from his *individual* character, and to which Lewis XVIII. appears at length to have awakened, will serve as a lesson, we must hope, to all other sovereigns.

Unfortunately, examples of successful opposition to *real* tyranny are but few; whilst the mildest and best-intentioned monarchs have frequently fallen victims to the most wanton sedition: that England for example, should have borne the sanguinary tyranny of the Tudor, and

should have banished the Stuart;—that she should have permitted her eighth Henry to die in his bed, and should have brought King Charles I. to the block, will ever cause the most painful sentiments of astonishment and regret. But let us now turn our thoughts to nearer and dearer interests.

The dawn of a brighter day appears then at length to have opened upon Ireland;—the landing in that island of the first British king who ever appeared on her shores with the olive branch of peace, has broken, we must hope, the deadly spell by which she has been bound for ages, and a monarch, the most accomplished, and the most calumniated in Europe, will live in the latest record of British history, as the restorer of the rights and liberties of one-third of his subjects. But the hydra of Orangism must previously be destroyed, and, although the monster will become desperate, as its downfall approaches, the mamelukes of Ireland will be quickly reduced to their last stand in the bosom of the corporation and guild of Dublin, where the concentrated venom of ages seems collected and personified in the person of their worthy representative in the house of commons: but, is it not melancholy to reflect on the feelings of bitter hostility which have so long actuated the reformed communions (divided as they are, between them-

selves on the gravest points of faith, as well as of discipline) against a church, from which they have necessarily derived their christianity? Nothing is supposed to have tendered so powerfully to the increase of infidelity, as the scandal of witnessing partial and separate christian societies, assuming to themselves all the high pretentions of an universal church, and condemning as idolators, five-sixths of the christian world of the present day, and the whole body of christendom, previous to the quarrel in the sixteenth century, between Martin Luther and the Dominican friars.

"In continuing the disqualification (says "Grattan) of the catholic, we not only deprive "them of the common-law rights of eligibility, "but we affect the foundation of our own faith, "and disobey the prime order of natural and "revealed religion: when we say the catholic "is affected with circumstances idolatrous, and "incapable of moral obligation or political al-"legiance, we say the catholic religion is not "divine; saying that, we affirm that christianity "does not extend to France, to Italy, to Spain, "&c. &c.; saying that, we say that christianity "has made no way, and of course deprive it of "one great proof of its divinity;—saying that, "we say that the pope has foiled his maker, that "a man proves too strong for almighty power, "save where a few nations have rescued the

" wrecks of his omnipotence from general dis-
" comfiture." The atheist hears all this,—goes
" along with each sect, while it attacks the others,
" and instead of stopping short at protestantism,
" proceeds to infidelity."

If polemical dissention had been the only evil produced, the philosopher and the statesman at least, would have had less to lament; but unfortunately, no sooner had king Henry VIII. in our own country, emancipated his subjects from the dreaded tyranny of the pope, but he became himself the greatest tyrant in spirituals, as well as in temporals, that ever nation was cursed with; and no sooner had the church of England in the succeeding reign, separated herself from that of Rome, than she commenced a sanguinary war against the catholic, for refusing to accompany her so far, and against the puritan, for insisting upon her going further:—Ireland, from that hour, became the theatre of religious persecution and political oppression, and Englishmen were hanged and embowelled alive, for professing the creed of the barons of Magna Charta!

Far different was the custom of the Roman people;—their's was to grant to conquered nations all the rights and privileges of Roman citizens, and to admit the deities, even of their enemy, to the honour of the pantheon: by this wise and equitable compact, the right of con-

quest was waved, no lengthened period of time was required to establish, what, in modern language, is termed a legitimate government, and rebellion, or a resumption of arms, on the part of the vanquished people, met with the punishment it deserved.

Englishmen and Turks have unfortunately pursued a different policy, and Greece and Ireland have been bound by no other ties than those of the sword; but it is a melancholy fact (however humbling to an Englishman the confession of it may be) that the condition of the Greek under the Ottoman yoke, has been infinitely superior to that of the Irish catholic, under the dominion of England: the former, has been seldom or ever debarred from the public exercise of his religion, and situations in the civil and military departments of the Turkish empire, have been occasionally open to him: governors, and even princes of provinces have been appointed of the Greek faith, and Greek christians have been almost exclusively employed in all diplomatic and commercial negociations, in which the interests of the Porte have been concerned: and yet, (abstractly speaking) is there a generous mind that does not exult at the struggle now making by that people to shake off the Turkish yoke, and to recover an independence which, agreeably to the rules laid down by every writer on the law of na-

tions, has never been legitimately surrendered?—rebellion, under such circumstances, is universally acknowledged to be little more than a question of expediency.

"The people," says Locke on Civil Government, "who are the descendants of, or claim "under those who are forced to submit to the "yoke of the government by constraint, have al- "ways a right to shake it off, and free themselves "from the usurpation or tyranny which the sword "hath brought in upon them, till the rulers put "them under such a frame of government, as "they willingly, and of choice consent to; and "who doubts but the Grecian christian de- "scendants of the ancient possessors of that "country may justly cast off the Turkish yoke "which they have so long groaned under, "whenever they have an opportunity to do it?"

What then must be said of Ireland, and of those penal laws which, during upwards of two centuries, outlawed, not a sect or a party, but a nation?—a code, unexampled for its atrocity in the annals of mankind, and to which the inquisition of Spain, execrable as it was, would blush to be assimilated!

A sophist might urge with some shew of plausibility, that the inquisition was instituted for the purpose of preventing the horrors of civil war, arising out of religious contention, by shutting at once the door to the introduction of a new creed,

subversive, it must be confessed, in its early progress, like modern jacobinism, of every existing institution, and marking its course through each country into which it had gained footing by insurrection and devastation :—witness, the vandalism of Knox's reform in Scotland ;—of Calvin's in France ;—and that of the anabaptists in Germany :—that even in England, the comparatively moderate change in the faith and discipline of the church, covered the whole kingdom with ruins, involving in one universal wreck, every religious, charitable, and literary institution, founded since the establishment of christianity in the island ; and yet was, nevertheless, compelled in its turn, to yield to a set of radical or ultra reformers, who, in the following century, buried the monarchy, and the reformed church itself, in one common grave.

The plausibleness of some such sophistry in favour of the Spanish inquisition will, I apprehend, be readily admitted ; but what sophistry can disguise the iniquity of the penal code of Ireland ?—a code directed against no dangerous or untried novelty ;—intended for no purposes of prevention or preservation ;—but, on the contrary, confessedly framed with a view to destroy, and immediately directed to the extirpation of an ancient national church, adhered to by an entire people with such tenacious and desperate affection, that

at the close of the first century of persecution, it was confessed by the chief governor of Ireland, that he did not believe one hundred converts had been made from amongst the native Irish, to the religion of England;—and to this hour, so identified is the Irish name with the faith of their forefathers, that the Foundling Hospital of Dublin (like other institutions supported on similar principles in Ireland), in order to secure the seduction of the orphan children from the religion of their country, has recourse to a measure of *denationalization*, of which the merit of originality probably belongs to the religious persecutors of Ireland: the change of name, however, from *O'Donoughoe* to *Thompson*, has proved by experience, to be but a fallacious security; and in nine instances out of ten, the English appellation has been indignantly flung aside at the earliest moment of emancipation from the thraldom and persecution of government protection.

But to return to the comparative condition of the natives of Greece and Ireland, may it not be asked, if at this day there be so many as one Irish catholic in any public employment, whether senatorial, judicial, ministerial, diplomatic, municipal even, or commercial?—And is this, then, that participation in civil rights and privileges, and that identity of political interests betwixt the conquerors and the conquered, de-

clared by every writer on the law of nations, as necessary to constitute a *legitimate* government on the one hand, and a corresponding allegiance on the other?

The distinction was clearly acknowledged, even by the terms of the treaty of Limerick, and for upwards of a century, the ranks of foreign armies were filled with Irish officers, raised to the highest honours of their profession in every country in Europe but their own, whilst Great Britain dared not claim either their persons or their services as subjects.

The Ottoman court, in a late official note, has accused the Greeks of ingratitude even, and has reminded them of the care it has frequently taken to rebuild their churches, and to show public honour to their patriarch; but of what ingratitude, on this or on any other head, can England accuse Ireland? Has the former (with the single exception of the very scanty and inadequate endowment of Maynooth) ever so much as repaired a single catholic chapel, or showed public honour to any catholic prelate in Ireland? On the contrary, is there not seen in almost every parish throughout the kingdom, the melancholy ruined fabric of a catholic church, exhibiting a spectacle that would make the uninformed stranger believe, that Ireland had been conquered, and devastated by some *anti-christian* power?—and have not the wretched population

of Ireland been, even recently, compelled to erect, out of mockery as it were, eight hundred new churches, for the use of a hierarchy, to which in three parts of Ireland out of four they are utter strangers?—Fabrics, for the greater part, as absolutely useless, as if a like number of churches for the use of the Greek rite, were enacted by parliament to be built in Yorkshire, and the tithe of every potatoe-garden exacted to maintain the incumbent.

To place oneself in the situation of others, is the only way to judge with fairness, and if on sober reflection it be thought, that the Yorkshire countryman would cheerfully pay his tithe of potatoes to a Greek papa residing at Athens, it must be conceded that the peasant of Ireland, after sharing with the instructor of his children, and the *never absent* consoler of his misery, the wretched profits of his little farm, is unreasonable in his dislike to pay a second tithe of his industry to a stranger. It would be difficult, however, to point out a more remarkable illustration of the abuse incident to all human institutions, than the spectacle of an absentee clergyman of the establishment in Ireland, dancing in the ball-room of Bath or Cheltenham!—possessed of neither church, parsonage, or congregation, and dancing, therefore, at the sole charge and expense of his wretched catholic parishioners, with whom he

can hold no intercourse, beyond the rigorous exaction of their tithes, and for the collection even of which, he is indebted to the exhortation of the catholic priest, and the exertions of a catholic tithe proctor!

No real friend to any church-establishment, can possibly wish to see such a system continue another hour, beyond the life estates of the actual holders.—All sinecures sink before it, and the borough of Old Sarum becomes the model of representative government if compared with it. A member, indeed, for the latter may be considered, when in the house of commons, as forming part of the general representation of the country, but it would be rather too bold a fiction to see in the Italian Tourist, or in the elegant frequenter of our English watering-places, the spiritual shepherd of a flock in Connaught!

The population of Ireland (as stated in a recent census) amounts to seven millions five hundred thousand souls;—of these, from five to six millions are Irishmen and catholics;—from one to two millions are Scotchmen and presbyterians;—and half a million only are Englishmen and of the church by law established, and yet for the spiritual instruction of these last, the tithe of the produce of all Ireland is annually collected exclusively almost out of the pockets of the two former! It is true that eight thousand pounds are annually returned, to *teach* the

catholic his religion at Maynooth, but, on the other hand, forty thousand pounds per annum, are voted to *unteach* him the same at the charter schools, leaving a balance on this score only against the catholic of thirty-two thousand pounds. The astonishing submission with which this monstrous system has been borne by the Irish people must, in the nature of things, have its term, and the memory of the church of England, when fallen in Ireland, will be recorded, I fear, with less honour than that of any other church in christendom; for if a practice so odious and so anti-christian as religious tyranny and persecution can bear any relative degree of guilt, surely the criminality of that church is greatest, which has itself separated from the catholic, upon the plea of religious liberty.

Collier, in his Church History, observes, that the burning of anabaptists for heresy, by archbishop Cranmer and the other reformed bishops, in the reign of Henry VIII. and Edward VI. was an unfortunate precedent, and destroyed all commiseration for their own fate under the reign of Mary; and it has been insisted upon by catholic writers, that however horrible the contrary practice may have occasionally been in catholic countries, that at least no theologian of their church ever pretended to justify as *dogma*, religious persecution, and still less the putting

to death of heretics; whereas, both were openly taught, as well as practised, by almost every one of the reformers, and more particularly as to the *latter*, by Calvin and archbishop Cranmer:—it must be confessed, that the Apologetic work of Calvin, after burning his friend Servetus;—the reasoning of Cranmer to induce young Edward to sign the warrant for the execution of the anabaptists;—the persecution of the Armenians by the Calvinists in Holland:—and above all, the penal laws of England and Ireland, against catholics, upheld alone at this day (with one splendid exception) by the prelates of the established church, seem to justify the position, and make it to be feared; that the reformed church in England, will be the last of the christian churches, in abandoning the inconceivable error of religious intolerance; for whilst the protestant in France is upon the most perfect footing of equality with his catholic neighbour, his clergy equally paid by the state, and churches given up even in all the great cities in the kingdom, for the use of the reformed worship, the English catholic is still kept out of the pale of a constitution which his own ancestors founded, and is unable to vote at a borough election, or to sit on a bench of country justices;—and yet there are Englishmen, who talk of catholic intolerance in France, and of protestant liberality at home!

This singular charge of catholic intolerance in

France, would be too ludicrous to require refutation, were it not seemingly kept up by a certain party in England for political purposes; and that like Orangism in Ireland, the spirit which engendered the calumny, is becoming desperate, in proportion as it sees its influence decaying.

The most absurd tales are generally credited by the vulgar, in every country; but it is always lamentable to witness the encouragement often given to them by men of education and sense, and more especially, as in this case, by men professing themselves ministers of the christian religion in one country, and calumniating the re-establishment of that religion in another. Having been enabled to ascertain the truth respecting the disturbances in question, and which took place in a remote part of the south of France, in the year 1815, you may rest assured, that they were confined to a single district, in which the calvinists, during the revolution, having been the leading actors in most of its atrocities and spoliations, and also the last Frenchmen after the battle of Waterloo, who held out for Napoleon, a political re-action naturally ensued, and excesses were committed, neither equal however in extent, nor in barbarism, to the disgraceful and unprovoked riots some years since, in the protestant metropolis of our own country.

The negligence, moreover, and apathy of the British cabinet in the year 1780, was certainly more extraordinary, than any things that can be adduced of a like nature against the government of Lewis XVIII. and yet, was George III. ever accused of being the persecutor of his English catholic subjects, and of exciting the fury of a protestant mob, not in a remote corner of his dominions, but in the centre of his capital, and before the very windows of his palace?

The same may be observed of the riots in Birmingham in 1790, when a protestant high church rabble assailed the persons and dwellings of the *calvinist* inhabitants of that town. To local and temporary causes have these excesses been ascribed by all reasonable men, and the same applies to the disturbances which took place at Nismes; for if any persecution against the reformed church in France has been carried on since the king's restoration, how is it, that the lutherans of Alsace, Franche Comte, and Lorraine, &c. have been so silent?—how is it, that in the French metropolis, as well as in every city where there are protestant congregations, ancient catholic churches are appropriated under the immediate protection of the government, for the reformed worship?—how is it, that the king has created protestant peers, nominated protestant generals, prefects, and mayors, and selected even protestants for his cabinet mi-

nisters?—how is it, that by virtue of the king's own charter, all offices in the state, whether civil or military, are equally open to catholics and protestants, and that the clergy of both communions are even equally salarized by the government?—Is it possible, that Englishmen can be so blinded, or so degraded by party-spirit, as to disguise or distort such glaring facts for political purposes? The truth is, there exists in both kingdoms a *party*, which plays into each others hands, under every form and character. The calvinists of Nismes are notoriously of this faction, and in the proportion of 3000 to 30,000 catholic royalist inhabitants, tyrannised over and oppressed the latter during the last short reign of Napoleon, in the same outrageous manner, as they had done at the commencement of the revolution. The excesses committed, were the unfortunate but natural consequence of civil dissentions, and religious persecution had no share whatever in them.

If any further proofs were wanting to shew that local feelings had alone caused the disturbances in question, it is the satisfied and loyal conduct, not only of the lutherans throughout France, but of the calvinists of Toulouse, Montpelier, Montauban, and Bourdeaux, cities filled with protestants, and yet pre-eminent for their attachment to the Bourbon dynasty, a circumstance, which sufficiently dis-

proves the ludicrous charge of any persecution against the reformed church since the king's restoration: M. Tozia, one of the two deputies sent from Bordeaux in 1814, to make known to Lewis XVIII. then at Hartwell, the submission of that great city, and who was one of the first under the direction of the heroic and ever-to-be-lamented Louis de la Rochejaquelein, to display the white flag, and surrender that town up to the Duc d'Angoulême, is a protestant;—and the brave general Donadieu, who was cashiered by the *late* ministry of Lewis XVIII. for encouraging, with too much zeal, the cause of religion and loyalty, but who has been restored by the *present*, is also a protestant;—and the evidence least sought after by the propagators of the charge in question, is that of the respected and universally esteemed president of the consistory of the reformed churches in France, from whose lips, the writer of these lines has learned the real grounds and motives of this very malignant and foolish calumny.

The leading object of the party alluded to, is to vilify, by every possible artifice, the reigning family in France, the *principle* of whose restoration militates too directly against all their views. The cry of a massacre and persecution of protestants *under the Bourbons*, is too powerful a weapon, and too well calculated to forward

the great object of alienating the attachment of England to the legitimate succession in France, not to be pushed by those men to the utmost length, and the most intrepid falsehoods have been advanced to kindle the flame. The recent change, however, in the administration of the government of Lewis XVIII. will prove a death-blow to the hopes and projects of a party, *whose plans were fast ripening into maturity*, at the moment the chamber of deputies were providentially inspired with sufficient energy and courage to save France.

The day of retribution and justice appears to be fast approaching, also, in Ireland;—and were it not for the experienced and enlightened sovereign who at present fills the British throne, and the recorded sentiments of almost every great statesman in the empire, calamities of the deepest dye might be apprehended in the present alarming and agitated state of the public mind, in that devoted kingdom; but whilst the common enemies of all religion, and of every government, are pressing on, and making frightful progress around us, is it not passing strange, that England should hesitate a moment to admit into the bosom of her constitution, men, who by their unshaken fidelity to their own faith, and triumphant resistance against her tyranny and persecution, have proved themselves more worthy than she is herself, to defend the common altar

of christianity, and the common throne of legitimate government?

Prompt and efficacious remedies, will, no doubt, be applied at the opening of the ensuing session of Parliament: an immediate change in the system of tithes in Ireland, is, above all other measures, imperiously called for; for no man can expect, in the present times, that seven millions of dissenters will continue any longer the payment of a tax, appropriated for the exclusive religious instruction of half a million only of churchmen. God forbid, however, that we should imitate, in any degree, the spirit of revolutionary spoliation: the fullest indemnity ought to be given to every life-holder of any ecclesiastical preferment in Ireland, and the reversionary interest in the sinecure alone abolished.

That the spirit now abroad of irreligion and anarchy, has its ramification in Ireland, no man can doubt; but the first lesson of defence, is to disarm if possible your enemy; and so long as you leave in his hands the powerful weapon of Irish wrongs, and England's injustice, he will, ere long, use it to your destruction, as well as his own. The unbounded confidence, so justly placed in the noble sentiments of George IV., and of which he has given so striking a pledge in the appointment of the present chief governor of Ireland, will suffice, we must

hope, to preserve the peace of that kingdom against the united efforts of those, who have, at all times, deprecated peace and conciliation. The double machinations, however, of the jacobin and of the Orangeman, will soon be equally foiled, and an union at length effected between Great Britain and her long-suffering and much-injured sister island, by an union of civil and religious rights, and not, as it has heretofore been, a compact, or rather a conspiracy between England and her colony in Ireland, against the liberties, the rights, and the religion, of the Irish people.

THE END.

GREEN, PRINTER,
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# A LETTER

TO

# THE EARL OF LIVERPOOL,

ON THE

# SUBJECT OF THE GREEKS.

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BY

THOMAS LORD ERSKINE.

LONDON:

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# A LETTER,

*&c. &c.*

My Lord,

If Parliament had continued sitting, it was my intention to have brought the subject of my Letter before the House of Lords, and if it could have been safely delayed, I should have waited until Parliament re-assembled: but as my object is to engage your Lordship's *earliest* attention to the sufferings of the Greeks, it is obvious that not a moment should be lost: I lament indeed that his Majesty has not long since been addressed by both branches of the legislature, beseeching him to fulfil the duty of a Christian sovereign by an instant endeavour to terminate the perpetration of those unutterable crimes which have so long been suffered to disgrace the Turkish domination. I question not at all

the King's humanity or justice, but as his Majesty can only act through the public councils, I address myself to your Lordship.

To remove in the very onset any intention of personal offence, I give you full credit, my Lord, for the warmest feelings upon this afflicting subject. I believe you, upon good evidence, to be anxiously solicitous for the security of Christians and the progress of the Gospel; but placed as you are in a highly responsible situation, in very critical times, you may apprehend difficulties in promoting those great objects by any measure of the government; and it is therefore I begin by maintaining, that you are solemnly and indispensably bound by a duty paramount to that of a statesman, to make an *instant* effort to engage the nations in alliance with this country to overthrow the cruel dominion of unprincipled, incorrigible barbarians, over a Christian people, struggling for freedom and independence.

The dominion of the Turks, my Lord, over the beautiful and extensive regions which include ancient Greece, was not an ordinary conquest, to be considered upon the received principles and precedents of civilized states towards each other.—If the Greeks had become subject to the Ottoman Porte through the ordinary

chances of war, and were governed according to the maxims of the civilized world, we should then, I admit, have no right to resist by force the severity of their government, however unjust; but I deny the application of this forbearance to the Ottoman Porte, acting as it has too long been suffered to do.

As Christians, my Lord, we ought besides to bear in mind that the dominion of the Saracens was not one of those changes of government by successful warfare which have taken place in all ages throughout the world, but that it was foretold by the Prophets, and but too well described in Scripture, as a smoke issuing from the bottomless pit which should cover a large portion of the earth with desolation.—We ought not to forget that in the region thus overwhelmed, the Almighty first revealed himself to mankind, and that our Redeemer sent forth from thence his Disciples and Apostles to preach the gospel of benevolence and peace, where it continued to be preached and to extend itself on every side until this preternatural pestilence, invading both soul and body, defiled the Christian revelation by a base imposture, and destroyed its sacred Professors.

We ought to hold in vindictive remembrance that in the City of Constantinople, now the hor-

rid theatre of unutterable crimes, the imperial standard of Christianity, after ages of persecution, was first triumphantly planted, and that her churches multiplied and flourished under it, until this assault of delusion and violence overthrew them, destroying in the same moment the most celebrated remains of the arts which had escaped the fury of the Goths and Vandals; having been collected by Constantine when the south of Europe was over-run, and the Roman Empire divided.

Whoever will look into the work of Monsieur la Fosse, published lately at Paris when the equestrian statue of Henri Quatre was re-erected upon the Pont Neuf, will be astonished at the destruction of the most sublime monuments of the Ancient World which then unhappily took place. But what, my Lord, is the destruction of the Arts when compared with the prophanation of Christian churches and the atrocious murders of their ministers and worshippers; continued to this hour with accumulated horrors, not only amidst the indiscriminate slaughter of battles, but in cold blood upon the most innocent? Committed, my Lord, as it is reported and believed, by the personal command of the Sultan himself, by the command of a ruffian, if the fact be so, who, in assuming the character of magis-

tracy, debases and brutifies all human authority, bringing imperial sway and sovereignty into utter abhorrence and contempt. Yet, O shame! this infamous barbarian, at the head of barbarians equally infamous, continues to be the scourge of the fairest portion of once Christian Europe, because Christian Europe, in the meridian of its power and civilization, sleeps over its duties and betrays its trust!

Nothing, indeed, is more surprizing than to look back to the earliest periods of our history, and to contrast them with the times we live in.—When we were but a small island on the margin of the world, without power or resources beyond our own shores, those, too, very limited, and without any commanding influence over distant nations, then also in their infancies, yet our subjects *then*, with their king at their head, went forth with chivalrous but ill-directed piety to deliver the Holy Land even from the pollution of being trodden by the steps of infidels, and sacrificed our treasure and our blood by expeditions rash in the extreme, being accompanied with no adequate force.—Yet now that we have extended our dominion to the very ends of the earth, spreading the light of the Gospel in our glorious paths, and although we have *now* only to raise our commanding

voice amongst the nations, yet we shrink back from the deliverance of this injured people, exposing ourselves to the hazard of future wars, by preferring the false security of neutrality even in so just and sacred a cause.

It may be said, my Lord, that I am preaching a crusade fitter for the times of Richard Cœur de Lion and his barons, than that of George the Fourth and his parliament in the 19th century; but the difference is obvious.—The justice of God cannot exact from his creatures what He has not given them strength to perform, and as a thousand years is but as one day in the fulfilment of divine dispensations, we ought not irreverently to complain of the greatest evils until human means have been bestowed for their removal. It is *then*, and not till *then*, that the duty of exertion begins, a period so manifestly arrived, that all Christendom is called upon to stand forth; and it is binding upon us above all other nations to take the lead.

A late anonymous writer, pointing under the mask of a romance to the ancient and present condition of our country, expresses himself thus:—

"Though placed as it were a kind of exile,
"in a remote margin of the world,—small in its

" compass,—in its climate disappointing from its
" vicissitudes,—surrounded by seas not often
" favourable to navigation, and only emerging
" from the darkness of barbarism in a late period
" of nations, it soon towered above them all, and
" has for a long season been the day-star of our
" planet.—It seems, indeed, as if the Divine
" Providence had chosen it as the instrument of
" its benevolent purpose, to enlighten by an
" almost insensible progression the distant and
" divided families of mankind, to hold up to
" them the sacred lamp of religious and moral
" truth, to harmonise them by the example of
" mild and liberal institutions, and to controul
" the disturbers of the social world with an un-
" paralleled arm of strength:—may she always
" remember that this mighty dominion is a trust
" —that her work is not yet finished—and that
" if she deserts or slumbers upon her post, she
" will be relieved and punished!"

This sentence, my Lord, though not distinguished by its eloquence, made a strong impression upon my mind when I read it, from a conviction of its truth—Indeed I feel it upon my nerves whenever I think I see in the administration of our government even a disposition to depart from the sources of that sublime pre-eminence which for so many ages we have

enjoyed. On an occasion, however, when it is my most anxious wish to promote an unanimous sentiment, and to excite an universal feeling, I shall not look back nor seek to support any opinions of my own, unchanged as they are, in opposition to the acts of our government in times that are past; but, prospectively, I may surely express a hope, without any injury to the cause I am supporting, that we shall never directly nor indirectly discountenance that liberal and free spirit which created, illustrated, and vindicated our own revolution—I may maintain, without offence, that it is our duty to take no part, to express no approbation even in the courtesies of states, and to hold ourselves altogether aloof from any co-operation with other governments upon the continent of Europe, to keep down, by force or by terror, the wishes of nations for popular balances in their own governments, or for any changes in them whatsoever which they may contemplate.—A system of unjust interference, that I foresee and deeply lament, is sapping the foundations of monarchical governments, which, when duly poised, are the wisest and most permanent institutions. The world, my Lord, is on its march with rapid steps to higher destinies, and I hope that our own country, as the original example

and pattern of freedom, will always be found, as heretofore, at the head of the column.—Invulnerable from without by her situation, and secure within herself from the excellence of her invaluable constitution, she has nothing to fear, if she be honestly and wisely faithful to the principles of freedom which gave it birth; if she shall dismiss the vain alarm of a House of Commons *chosen by her people,* and disdain every hold upon its members, except the most powerful one in a nation so enlightened, *the influences of wisdom and justice.—All* who have just observed the *unbought*, affectionate, dutiful respect, which has every where attended the King, *(which is but another way of describing every person throughout the whole of this island who can read,)* must surely be prepared at this moment, and with one voice, to exclaim against the falsehood, that to insure the personal safety of the Sovereign, to protect the prerogatives of his crown, and to maintain the peace and prosperity of the empire, it is necessary that our parliaments should be chosen under restrictive privileges, shutting out the most reasonable and the most impartial representations of property, from a dread (for there can be no other possible principle of exclusion) that the free sentiments of the subject might be ini-

mical to the security, the dignity, or the splendour of the throne.*

Until such notions are discouraged and abandoned, our country does not, *in my opinion*, maintain that sublime pre-eminence I referred to, which, from the virtue of our forefathers, became her noblest inheritance.

We see at this moment, how, by the obstinacy of unbalanced sovereignties, oppressed dependencies are starting up amidst bloodshed and desolation into impregnable empires, and I should grieve for England, if, instead of her being the first to hail their independence, she should be among the last even to acknowledge it, delaying ratification until wrung from her by the mercenary necessity of protecting her own commerce, and of quieting the remonstrances of her subjects.

To return directly, my Lord, to the subject of the Greeks: I maintain that our not exerting ourselves to deliver them from the tyrannous dominion which so grievously oppresses them, is not only the breach of a moral duty, but a

* I cannot help expressing my regret that my absence from my native country prevented me from witnessing his Majesty's reception in Scotland: a scene which I confidently anticipated, and which, for many reasons, has given me the highest satisfaction.

dereliction of the sacred object of spreading the Gospel, so zealously and, I believe, so sincerely promoted throughout this whole empire, and which I have already expressed, and now repeat, my firm belief that you are yourself anxious to accomplish.

You cannot but know, my Lord, that Christianity, reviled, trampled upon, and, at last, blotted out from so vast an extent of territory, had not only, as I have already observed, its original seat within the first shades of this disastrous eclipse, but was spreading itself over immense regions on every side; and if the savage atrocities of the Turks were effectually controuled, and a well-arranged establishment of the Greeks were duly protected, the Christian Religion, and a civilized government worthy of it, might in time be brought to flourish together, extending their influence all around.—The extent of country through which the Christian scriptures might then, by degrees, be circulated and understood, may be judged of by Mr. Martyn's observations on the new edition of the Polygot lately published, or still publishing, under the patronage of the venerable and excellent Bishop of Durham: "We will preach by it," he says, "to Arabia and Syria, to Persia and Tartary—to China—to half of Africa—to all

the coasts of the Mediterranean sea, and to a vast extent in British India."* Now, my Lord, if all this be so, can our duty be questioned, or can it be denied that all the zealous professions and the unremitting exertions of our numerous associations for the propagation of the Gospel, which I applaud and honour, and which, I firmly believe, will draw down a blessing upon us, are yet altogether as a drop in the ocean when compared with the flood of light which would break in over a world of darkness, if the means within our power were faithfully exerted.

I lay my account, my Lord, that the precedency which I have thought it my duty to give to this view of the subject, before I addressed your lordship as a statesman, may expose me to the unprincipled derision of prophane scoffers; but I must have been the weakest of mankind if I could have been deterred on that account from the course I have pursued.—I have not written a line which can justly subject me to the imputation of superstition, because though I have insisted upon the advantages that would follow from our exertions *merely as Christians*, yet I have not said that of *themselves* they were

* See also the interesting, pious, and learned work of the late ever-to-be-lamented Claudius Buchanan.

to be received as sufficient grounds for governments to act upon; and though I hold in the highest reverence the prophetic parts of Scripture, yet I have not mixed them at all with my opinions, though they have been directly applied to it by some of the best and wisest of mankind. I purposely avoided this, because whatever may be their most obvious interpretations, they were not intended *prematurely* to reveal future events, but to uphold our constancy by the lights they cast before them in their approaches, and to confirm our faith by the events.—I cannot however conceal, that I have very long felt the strongest impression from that view of the subject which I have not more distinctly expressed, and a sense of duty which I do not know how to describe, to declare publicly my opinion of its importance to the Christian world.

Why indeed should an individual be so lifted up above millions of his fellow-creatures, as to become a legislator in this renowned country in such extraordinary times, raised perhaps to that distinction with little or no merit of his own, and through, perhaps, unusual dispensations of Providence in his support during an uncommonly eventful life, yet endeavour to make no return either to God or man?

We are now, my Lord, arrived at the main

object of my Letter—viz. the protection which, in wise policy, we ought to afford at this moment to the Greeks, and it lies in the narrowest compass.

Although I can never subscribe to the doctrine of legitimate sovereignty against *the universal will* of any people, over whom it is claimed to be exercised, yet there is the greatest difference between a revolt against a civil government whether originating in compact or by ordinary conquest, and a resistance to the impious dominion of the Mahomedan conquerors, *when maintained and supported, as it is, by inhuman oppressions at variance with all the establishments of civilized man.*

This indeed, strictly speaking, embraces *the only principle of foreign interference.* There is no more foundation for making war against a people because they believe in Mahomet than if they were the most faithful believers in Christ.—*It is their casting off all the restraints which characterize the social world, that can alone give a right to other nations to controul them.*

France, therefore, was most unjustifiable in her interference during our American revolution, and it reverted fatally upon herself; our colonies, and those of Spain and Portugal, were peopled from their parent states; they were

supported by them in their expansions, which enabled them to assume the character of nations, and although great blame may be attached to those mother-countries in the management of such growing dependencies, yet they were political errors rather than oppressions; savagely wasteful dominion could not be imputed to them, nor any individual cruelties but such as were inseparable from a state of war after rebellion against the constituted authorities had begun; yet even in all these changes, public opinion has gone along with the resolutions of immense multitudes to be independent of any superiorities but of their own choice, and it will soon be more clearly discovered, that combinations of power to overawe unoffending communities and to resist those great movements which arise out of the advancing and improving condition of mankind, instead of retarding their progress, only lay the foundations of revolution in arbitrary states—I therefore distinctly admitted in the outset, and again repeat the admission, that if the Greeks were subjects of the Porte under an ordinary conquest, and were governed upon principles which the laws of nations subscribe to or ought to countenance, I should not consider our interference to be warranted, though, as a free people, we might take an in-

terest in their cause and be justified in wishing them success. My claim for them, therefore, rests upon facts that cannot be *denied*, and upon reasons which are *undeniable* if the facts be true.

I shall assume, without argument, from respect to your lordship's understanding and knowledge, that the Greeks can *by no possibility* (even if it were a desirable event) be brought to the condition of contented subjects, nor indeed to any pacific relations whatsoever with their tyrannous oppressors.—They have already begun to organize themselves as a nation; they are advancing amidst unexampled difficulties to maintain their independence; their successes encourage perseverance, and with the fortitude and patience of Christians, they invoke the God of Battles, in their public proclamations, to support their cause.—Such a resistance can surely no longer be considered as a mere sedition, which, if left to itself, might terminate in submission and conciliation, and I have therefore assumed as a self-evident proposition, that the Greeks can never more be subjects of the Ottoman Porte. They may, without the aid of other powers, be exterminated or scattered, but cannot again return to a state of subjection and peace.

The question, therefore, of action or inaction

comes directly home to us; it calls loudly and imperiously upon your Lordship as the first political member of the cabinet, for immediate decision—Are you prepared to countenance the continuance of such a frightful state of things, with means in your hands to avert it?

But before I advance to the manifest advantages which would follow from the independence of the Greeks, if established by our assistance, and the ease with which it might be accomplished, there is one branch of their sufferings that cannot but very deeply affect us; sufferings inseparable from their present condition, and from which we cannot but feel the most anxious wishes for their deliverance—I allude to the peculiar enormities which attend the system of slavery amidst the exasperations of this cruel warfare; and as, in the religious view of the subject, I maintained that all our national exertions for the progress of the gospel were only as a drop in the ocean, when compared with the light of it extinguished by the delusive dominion of the Turks, *so* I assert that the Negro Slave Trade was nothing in the scale of misery and debasement against the horrors which, during this sanguinary contest, must continue for ever.

What, my Lord, are the sufferings, dreadful

and detestable as they were, of almost a savage in the state of nature, like the unhappy African, when made the victim of this mercenary traffic, what were *his* sufferings when compared with those which are notoriously passing every day throughout the east? „ The simple abduction of women, and the separation of parents from their children, by carrying them into captivity of any description, are inhuman outrages in the lowest conditions of existence, but how much more dreadfully do they act upon families in cultivated life? How inexpressible must be *their* pangs, when with all the more refined feelings inspired by civilization, brutal ravishment is the almost certain consequence of abduction; the blood of unhappy infants often pouring out before their mothers, who suckled them at her breasts, too soon, perhaps, to be forcibly exposed to the assassin of her husband and her children.

Such abominations seldom or never occurred in the African Slave Trade, detestable as it was. The plea of necessity was for some time also so plausibly on its side, from the existence of British property in equatorial latitudes, where no other labour could be so readily obtained, that even a British parliament for a long time continued to sanction it, until the glorious spring-tide of humanity broke in, at last, like a torrent,

sweeping away before it whatever interrupted its course.—But the slavery *of the east*, my Lord, never had any thing to cover the nakedness of its iniquity.—The bulk of *her* slaves were not for labour under suns which Europeans could not endure, but principally for the odious purposes of voluptuousness and lust, and aggravated as they now are, amidst the rage and bitterness of war, are attended with such brutal and undescribable crimes, as, putting aside all Christian sympathies, might make us blush that we are men. I feel, whilst I am writing, that the ink must first have become blood, to enable me fitly to express my detestation and abhorrence.—It appears to me, indeed, that the abolition of the Slave Trade, which raised this nation above all created beings since the beginning of the world, cannot be said to be complete not only whilst such monstrous abuses of slavery are predominant, but whilst any traffic in human beings whatsoever is suffered to exist. When found among savages, we can do no more than attempt to humanise them, as we have always endeavoured to do, but when encouraged or publicly tolerated by any civilized nation, though I do not mean to assert it to be a cause of war, yet all *such nations ought to be rejected as allies.*

When we abolished the African Slave Trade by act of parliament, it could, in strictness, only apply to prohibit that traffic *by our own subjects;* but did we stop there on that account? Did we consider our duty could not extend beyond our own jurisdiction, as the utmost limit of positive law? No, my Lord, to our immortal honour we did not; on the contrary, we have ever since been exerting ourselves, with other nations, to extinguish it throughout the world; and that able and excellent man, Lord Lansdowne, when he moved an address to his Majesty on the subject, only a few weeks ago, did not limit his views to the promotion of amicable arrangements with friendly states, but even extended them to the consideration of compelling, by the common consent of those governments that had abandoned it, any others which should continue to give it sanction and support.

By this introduction of slavery, as a separate consideration, I have not (*strictly speaking*) digressed from the subject of my Letter, as it is one of the most prominent and afflicting evils which has grown out of this disastrous conflict. I have besides not introduced it as in itself a justification of hostility to the Porte, but only to interest our feelings in the more extensive performance of a duty which rests upon other cir-

cumstances connected with our own character and safety.

If, however, I have gone beyond the mark on this branch of the question, my past life ought to protect me from criticism. After having, in my earliest youth, been an eye-witness to the enormities of this cruel traffic, when at its diabolical height; after having seen upon the coasts of Africa, the most unoffending of human beings torn from their parents and kindred, or deprived along with them not only of liberty, but even of the light of Heaven; chained down almost to suffocation in the breathless holds of a Guinea ship; after having repeatedly beheld the hapless victims in this deplorable condition, and accompanying them in their paths over an unhearing ocean, have seen them thrown overboard, as they died, to the devouring sharks that instinctively followed them in their course; when having seen long afterwards, and almost daily for years together, those, our unhappy brethren, considered merely as property in our courts of justice, and been myself often *personally* engaged in investigating, as matters of account with underwriters, the causes of their murderous deaths, when driven to desperation, during insurrections, they have plunged into the sea for escape; when, after all this, it fell

at last to my lot, and through ways as unaccountable as unexampled, to preside in the Lords House of Parliament on their deliverance—to hold up in my hands the great charter of their freedom, and with my voice to pronounce that it should be law—your Lordship, I am sure, whom I respect and regard as a man of honour and feeling, will rather approve than condemn my retaining the whole subject of slavery in the most affecting remembrance.

But if these are *my* sensations, who have only seen these things *without the smallest merit of my own*, but rather with a recollective reproach of insensibility from the blindness which inveterate custom is sure more or less to produce; what must be the sensations of WILBERFORCE, who is preserved to us at this hour, to complete, I hope, the triumph of his illustrious life? and although I have carefully shut out even the appearance of political partiality, I cannot help lifting up my mind to the contemplation of a world of spirits, to enable me to imagine rather than to express with what a voice, as if the Greeks were not only re-established, but the first of their orators had arisen from the dead, the never-to-be-forgotten Fox (immortal if on no other account) would have thundered over the heads of those who slumbered in such a cause.

I now return, my Lord, to the main subject of my address—the liberation of the Greeks.—I have already assumed, as a matter of fact unquestionable, that they cannot be brought back to the condition of subjects, nor to any pacific relations whatsoever with the Porte, under any possible arrangements which force or convention could introduce; and herein arises the only peculiarity of the case—difficulty I will not call it.

Assistance and protection cannot be given to the Greeks in the same manner as if they were distant provinces contending for independence, which might be even beneficially successful in the end to the parent state, (if Turkey ought to be so described,) and without affecting her main possessions: *but the contention here is for the soil which both them inhabit*, and therefore one of them must be dispossessed of territory to some extent or other, because they cannot remain together, except in a state of such *murderous, interminable* hostility as ought to be considered a public nuisance to all mankind—On which side then, my Lord, does justice lie, when, after the possession of ancient Greece by such means, it has been so shockingly abused as not to be protected by any principles or precedents which public law has ever adopted or can righteously adopt?

The freehold of the Greeks, if I may so describe the possessions of that ancient nation, comprehended Thrace, Macedonia, Thessaly, Epirus, Achaia, Peloponnesus, and Negropont, &c. &c. with most of the islands in the Archipelago, the Ionian Islands amongst the number, they being sometimes called Ionians on that account. They were masters of the celebrated cities, with their districts, of Athens, Sparta, Thebes, Corinth, and Mycæne, &c. and were a most refined and celebrated people.—Classical learning, so justly encouraged in all countries as indispensable, derives its principal sources from their sublime superiority in poetry and eloquence, which, in the lapse of so many ages, have found no competition; and even at this hour, to inspire those who are to live after us, with the most exalted sentiments, with contempt of danger and the sacred love of their country, we make them stoop at their desks, in their earliest years, over the histories of their illustrious forefathers, in periods when the noblest of our own were in the woods. The claim, therefore, of the Greeks, with the aid of all Christendom, to a free and undisturbed territory, *commensurate at least with their present population*, is the clearest in human annals, whilst the dominion of the Turks, who overpower and oppress them, is the most auda-

cious usurpation.—They began, extended, and completed their ravages under the mask of imposture, impiously pretending to a commission from Heaven for the desolation of the earth.

In such a case, my Lord, have not nations a right, and is it not their duty to overthrow the spoiler, (*if he resists just accommodation,*) and restore possession to the oppressed?

There are limits, however, to the exercise of this right. We should neither be bound nor even warranted to set on foot a rash crusade, involving countries, when just happily returning to a state of peace.—I should be among the first to express my dissent to such a project. All that I ask of the British government, through your lordship, is an *instant, faithful and strenuous exertion,* to engage our allies in this great cause of humanity and justice, without giving rise (*as I assert it could not*) to any probable or rather possible contest which could deserve the name of war.

It cannot be questioned, that by thus taking the lead for the deliverance of the Greeks, we should lay the foundation of an endless gratitude, be advantaged by their returning power and commerce, whilst we were snatching from the desert the most fertile provinces, and redeem-

ing from abject slavery and contagious pestilence, the noblest people of the ancient world.

But it is objected that the Greeks are not less savagely cruel than the Turks.—I WILL NOT HEAR SUCH A CHARGE.—The gentlest animals which Providence has subjected to us, patient of labour, and licking the benevolent hand that feeds them, when maddened with terror and goaded by barbarous oppression, will change on a sudden all the characteristics of their original natures, and overthrow every thing in their course. To judge of what the Greeks, *under good government*, are capable of *being*, we have only to look back to what they *have been*. Their pedigrees, in which we can trace so many great men, *who never should have died*, ought to protect them from the Saracens, who cannot show in all their escutcheons, *a single man who should have lived.*

Well then may we exclaim to such miscreants, in the language of Milton—

> " Lift not thy spear against the Muses' bower,—
> The great Œmathian conqueror bid spare
> The house of Pandarus, when temple and tower
> Went to the ground."

But although I have thus endeavoured, against

my most predominant feelings, to expel from my indignant view cruelties by whomsoever committed, and, in protection of the unfortunate Greeks, have covered them with the veil which our imperfect natures entitled me to throw over them; yet let it be remembered, that what I have written concerning them, applies only to unpremeditated inhumanity, such as, when hunted like wild beasts, they have turned upon their pursuers, but that barbarous retaliations can receive no pardon if continued when they are contending as a nation for their religion and freedom. I rejoice that they are advanced to that condition, that they are marshalling armies, that they are laying the foundations of a civil government, and I feel confident that they will henceforth remember that they are soldiers, and christians.

That our influence could fail, if faithfully exerted, I cannot bring my mind to believe. I might ask those who were the warmest advocates for the war, and who hold the highest its happy termination, and the eminence on which it has placed us, what *they* would think if it could be doubted, that if we spoke the word we should be obeyed. The misfortune is, my Lord, *that we did not speak it at* a time when many of the enormities which have taken place, and for a

long time must follow, might have been averted, and I fear that we may *now* be under great embarrassment in holding a different course.—I am convinced that it has been entirely owing to the system which the governments of Europe have too long been pursuing, that the great work of humanity and justice has not long ago been complete, and the only difficulty I can foresee to its instant accomplishment is that, perhaps, we ourselves must retrace some of our steps in taking the lead to give it effect.—Our alliance with the Porte ought to have been long ago removed out of the way, as being unworthy of the British government and people; and without contending that we should at once have resented by hostility their monstrous iniquities, yet, if not a man in England were prepared to second my opinion, I should assert that it would have become us to withdraw our ambassador from Constantinople, and to reject such a banditti as our allies.—The King of Great Britain ought not to be styled the Brother of the Sultan, whilst the desolation of Scio and the butchery of the hostages are unatoned for. These authorized murders are not the acts of a civilized nation. "The voice of their blood," like that of the first victim of violence, "cries unto God out of the ground," and the judgment of God ought to be an ex-

ample to the nations who worship him. "*Let them be fugitives and vagabonds upon the earth.*"

It has been the continuance, my Lord, of supporting the Ottoman Porte as a legitimate sovereignty, that has been the parent of so many wrongs.—I do not know, indeed, how I can better illustrate the baseness of such an alliance, than by reminding your Lordship, that the manner in which I have written of and concerning the Grand Signior, and of and concerning his murderous divan, (he being an ally of Great Britain,) is a misdemeanour, punishable by indictment; and accordingly, when the Emperor Paul of Russia had published an ukase, though of the most hostile description to British interests, yet, your Lordship may see in Mr. Howell's State Trials, that a severe animadversion on that emperor was held to be a libel; Lord Kenyon, who presided upon the trial, having instructed the jury that it was their duty to convict the printer, as the Emperor Paul was our ally, and after all the exertions I could make for him he was convicted. Now let me suppose that such an indictment were to be preferred against my bookseller, or myself, at the instance of the Turkish ambassador at our court, for a libel upon his master, I do not see how any judge in Westminster Hall could direct a jury differently from that able lawyer and

great judge I have referred to; *but where could be found, in the case before us, (since the libel act,) a jury who would follow such a direction?* most probably, no where; and a verdict of acquittal on such a prosecution would only remain upon record as a judgment of the nation against its government, for adopting *such a sultan* for our ally.

Opinion, my Lord, has already pronounced *her* verdict on the subject, in the public remark which Sir Thomas Maitland has for some time borne the brunt of, as our representative in that horrid quarter; but I desire no better proof of the acts and wishes of our government, than in what Sir Thomas Maitland has done; I make myself sure that he has never departed from his instructions, nor consequently from his duty; I have known him all my life, and in different situations of high responsible trust, in all of which his conduct has been exemplary and his character without reproach.

I should indeed desire nothing better than that instead of his being made our agent, as he has been, to preserve a cold and unworthy neutrality, he should be advised with, as being one so thoroughly acquainted with all the details of the war now waging, how it might be most speedily terminated, and the Greeks the most ad-

vantageously protected. My own opinion undoubtedly is, always has been, and ever must continue, *though I have not pressed it upon your Lordship*, nor mean to press it, that the Turks should be thrust forth at once from Europe by its united force, *if it can be obtained*, and in effecting this I should not think it necessary to consult the Duke of Wellington, as the greatest man for conducting an army that ever existed amongst us, or I believe ever will; I should rather confide the matter to some long practised diplomatist, with the assistance of *a lawyer to draw up the notice to quit.*

This is no figure, my Lord,—since what possible resistance could Turkey make, if Europe could settle to whom possession should be delivered?

They who are disposed to consider the abatement of this nuisance as an undertaking of great expense, difficulty and danger, cannot have sufficiently considered the progress which the Greeks, though unassisted, have already made, and are hourly making, to establish their own independence, nor with how little assistance it might be completed. The only use indeed of *an immediately decisive force*, would be to prevent, in the interval, such an afflicting effusion of blood—Whoever is at all acquainted with naval

affairs, must be astonished at the courage and skill with which their infant navies have been conducted, and particularly with the art and boldness of grappling as they did so lately the immense ship of the Turkish Pasha, and accomplishing its destruction.

The very local situations of their conflicts, and the remembrance of the ancient deeds *of the same people*, is with me a kind of prognostic of success. They are now, I believe, in the citadel, as it is called, of Athens, and although it must be a position of no strength in the fallen condition of that once renowned city, yet they may be animated by the sight of SALAMIS, directly over against them, and their sailors may be told how Themistocles, with a most insignificant force, drew the memorable fleet of Xerxes into a narrow sea, where his large ships could not be conducted, and utterly destroyed them; a fleet, which, according to the historian, was the greatest then known in the history of mankind, yet by such inadequate means overthrown.—"*Nam pari modo apud Salamina parvo numero navium, maxima post hominum memoriam classis est devicta.*"

MARATHON also is now directly within their view, only ten miles before them, where Miltiades, instead of entrenching himself behind

walls now in the dust, combated on the open plain the captain of Darius, *and with only a handful of Athenians, the fathers of the present Greeks,* obtained that immortal victory over an hundred thousand men. • *Qua pugna* nulla enim unquam tam exigua manus tantas opes prostravit.

Signal successes in war, under distinguished commanders, are as likely to overthrow the barbarians of the present day as the barbarians of former times, and the rather, because examples have such a powerful influence on all the exertions of mankind.

My observations, my Lord, upon this afflicting subject, are drawing fast to their close. It has been for some time no secret that a Congress is to be held upon the continent, where the subject of the Greeks cannot but come under consideration, and that we are to be represented at it by some minister of state. It was this which determined me, without a moment's delay, to write and to publish this Letter; because it would have been too late to make any useful appeal to your Lordship or the public, after we had taken our part, and perhaps concurred in measures which I could *then* only *uselessly* dissent from.

If this congress of sovereigns and their ministers is only to have for its object the renewed

support of principles and projects already too notorious, and if, to avoid any incongruity or departure from the system hitherto acted upon, *Turkey is to be sanctimoniously upheld as a legitimate sovereignty, and the Greeks are to be sacrificed, or in any manner compromised, on the ground that they are the subjects of the Porte, and bound by their allegiance, though against their universal will,* to obedience and *peace,* I desire hereby to express my abhorrence of comprehending this country in such an odious combination, and I am confident that the great mass of the British people will join me in my protest.—My alarm as to the *future,* my Lord, is justified by what is *past*—The conduct of Russia is quite inexplicable upon any other ground than that she has been *recently at least* acting in concert with the continental powers, and that the continental powers, and ourselves perhaps along with them, had taken no steps for *any* establishment for the Greeks, nor were preparing to provide for them any security whatsoever.

Russia, my Lord, in the early part of the spring, collected an immense army, and as the season advanced marched large divisions of it in the direction of the Turkish frontier; yet, although the atrocities multiplied every hour,

and with accumulated horrors, she took no step to prevent them, and although she knew that the Greeks were in arms for their independence and making a glorious struggle against their oppressors, she proceeded no farther, but published an *ultimatum* most inadequate to their protection or support.—Since how could the evacuation of Moldavia and Wallachia put a stop to the barbarous outrages on the unhappy Greeks, then at their portentous height? and what demand for their benefit could be more useless than that of rebuilding the churches which had been demolished; since what defenceless Christian, unless he aspired to the fame of a martyr, would venture to set foot in any one of them when rebuilt? I may be mistaken, my Lord, but I think I see the predominance of the Holy Alliance in this retrograde proceeding; that the Emperor resolved to sacrifice his personal ambition, tempted as he was to the gratification of it, and that when the confederates continued to consider Turkey as a *legitimate* government *which meditated no reformation*, they determined to remain neutral *and to leave the Greeks to themselves.*

In offering my opinions to your Lordship through the press whilst Parliament is not sitting, I have only stated *the principles* on which I think we should act, but have not

presumed to thrust myself into the public councils by suggesting the fittest course to be pursued for giving them the most desirable effect—I have not the means, even if my judgment were equal to the decision, of ascertaining the most favourable or efficacious mode of seconding the noble efforts of the Greeks for liberty and life. An immediate invasion by a combined force, for the expulsion of the Turks from Europe, might be attended with difficulties which I cannot correctly estimate, and which, in the immediate consequences of that sanguinary conflict, might be injurious to the great object of bloodless liberation; but what I firmly maintain to be quite indispensable, *is to compel a total renunciation by the Turks of all dominion over the Greeks as subjects, and to guarantee their independence by all the nations which should engage in their support; with such extent of territory as might be thought just, considering their growing population and their former condition, which has been overthrown. Nothing short of this* (if it can be brought about by our commanding councils) can deliver our country from universal reproach, nor secure us against consequences which might be fatal in the end to the best interests of our country, which I hasten in a very few sentences to explain.—It is not at all my wish, *as will be*

*seen presently*, to endanger the peace of Europe by Russian aggrandizement, but, on the contrary, to prevent its possibility hereafter by the means I have recommended.

If the Greeks, to some extent or other, are not now satisfactorily and securely established with the general concurrence of the nations of Europe, can we *depend*, my Lord, that Russia will *for ever* abandon the favourite and popular policy of her empire? and if, sooner or later, her present Emperor, or some more ambitious successor, (even under a compromise with the Greeks when abandoned by all other governments,) should place himself upon the throne of Constantinople, what possible objection could we *then* raise to the termination of so many calamities, and how miserably helpless we should *then* be, if, alarmed by his station in the Mediterranean, we should attempt to resist it! The armies of Europe, if we could combine them for our asssistance, would only be a national curse, since the money must come from us, as where else could it be found?

Instead of thinking this a vain speculation, I consider it as very likely to take place. The Emperor of Russia is the head of the Greek church, and will always have sufficient provocations to justify hostilities against the Porte; and although

he has been obviously entangled at present with the views of other governments, *and, perhaps, out-manœuvred by their combination,* yet I can see no security for this forbearance in all future times—because whatever may be his own opinions or resolutions, it should be remembered that he is not a despotic Sovereign, and that the deep-rooted policy regarding Turkey is by no means a matter of indifference throughout his empire.—It cannot be expected that he will disband his army, and it may be found both difficult and dangerous to keep on foot nearly a million of men in arms without any objects for their service; more especially after the dereliction of a favourite project, in notorious opposition to the interests of his highest subjects and the long-indulged wishes of immense masses of his people.—I cannot, therefore, figure to myself a more probable nor a more dangerous event for the prosperity of this country, than Constantinople becoming the maritime capital of the Russian empire, an event which would be the more grievous and intolerable from the ease by which it might have been averted.

There is yet another contingency still more probable, which we should do well also to take into the account. Those immense provinces now part of Turkey in Europe, capable of such

mighty improvements, as, perhaps, to become too important, if Russia were singly to seize them, for other powers to agree, without contest, to their occupation, might, as has happened *in other quarters*, become subjects of partition, whilst the Greeks, who would have been entirely devoted to us if duly protected, may become tributary, in the end, to those *contiguous* empires, and add to a most formidable naval power in the Mediterranean sea, whilst Great Britain, so remotely distant, must in her present condition, or in any probable one for an incalculable time to come, be unable, either by negociation or by war, to prevent such dangerous combinations.

I cannot, however, conclude without one word more as to *the Emperor Alexander*.—So many circumstances have fallen within my own personal knowledge which illustrated to my perfect conviction his *earliest* character as a man of the justest feelings, and I have so long entertained an opinion that he has a disposition to improve the moral condition of his own empire without any tyrannical projects regarding others; that notwithstanding what took place at Naples, *(the whole of which I hold in the highest condemnation,)* yet all circumstances are not sufficiently before me to remove from my mind *the most*

*favourable prepossessions of a very long standing*. I pray God that he may live and reign to confirm the opinion which I have expressed; that he may lay to his heart, from examples which he never can forget, the wickedness and probable disappointment of inordinate ambition, that he may become the virtuous and disinterested protector of an oppressed people, and concur with Great Britain in the objects which I have recommended.—Let him but do *this*, and by the universal suffrage of a world completely changed since the days of the Macedonian, he, and he only, will receive from all future generations the title of *Alexander the Great*.

If your Lordship shall do me the honour to cast your eye over my Letter, you will readily perceive that it has been very hastily written, and much of it in a style not the best suited to the closet of a minister of state.—I admit this, and had I been writing only to your Lordship it would in many parts have been framed differently; but it was my object, through you, my Lord, on a subject so interesting to the public, to consider myself as addressing all the people of this country.

London: Printed by C. Rowarth,
Bell-Yard, Temple-Bar.

A

# LETTER,

&c. &c.

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*Price 5s.*

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A

# LETTER

TO

# EARL BATHURST,

Secretary of State

FOR THE

## COLONIAL DEPARTMENT,

ON THE

CONDITION OF THE COLONIES

IN

*New South Wales and Vandieman's Land,*

AS SET FORTH IN THE EVIDENCE TAKEN BEFORE

THE

PRISON COMMITTEE IN 1819.

BY THE

HON. H. GREY BENNET, M. P.

London:
PRINTED FOR JAMES RIDGWAY, 170, PICCADILLY.

1820.

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W. Flint Printer, Angel Court, Skinner Street.

# LETTER,

*&c.*

My Lord,

I take the liberty of addressing this letter to your Lordship, in order to bring under your notice, shortly and distinctly, the evidence which was given before the Prison Committee of the House of Commons, during the last year, relative to the state of New South Wales.

I am the more induced to take this step from a conviction that the public will be thereby better informed, than they now are, of the real condition of that settlement; the administration of its government, the structure of its society, and above all, that they may be enabled to judge of the success or failure of the singular experiment of establishing a colony for the reception of outcasts and felons on the opposite side of the globe.

In the spring of 1819, I proposed to refer this question to the consideration of a committee of the House of Commons; chosen separately from those

committees which were about to examine into the state of the prisons, and the criminal law of the country; that proposition was negatived, and the situation of the colonies in New South Wales was referred to the prison committee, who commenced their labours by an examination of it.

The Report of that committee has recently been printed; it contains 560 folio pages, 296 of which are on the subject of New South Wales; the size of this great book will of course deter all ordinary readers from its perusal;—and thus, I who am solicitous to have the public informed upon the subject, am driven to the necessity of abridging the evidence, and of presenting to your lordship a summary of the information which has been the result of a laborious and painful enquiry.

I have no cause to complain of the Prison Committee; on the contrary, I found in it great willingness to hear all the evidence I had to offer, written as well as oral; and though, in some few instances, I think written evidence was excluded, which, before a committee of the House of Commons, might have been reasonably admitted; yet the general object of all concerned seemed to be a fair, candid, and impartial enquiry, which was indeed conducted in such a manner, that whilst absent individuals were protected from loose and undefined accusation, no impediment was thrown in the way of the most minute investigation.

In the letter I had the honour to address to *Lord*

*Sidmouth* last year, I entered into a detail of the various measures which had been adopted by the successive governors of New South Wales, and the strange, though neither singular nor solitary examples of official neglect, from the very commencement of that settlement: it is therefore unnecessary to refer again to that part of the subject. Those who are desirous to learn their variety and amount, will find them recorded in the works of Mr. Collins, Governor Phillips, and Admiral Hunter; in the Report of the House of Commons' Committee in 1812; and in that of the last year. The more those works are studied, and the oftener they are read, the more general will be the conviction that the settlement cannot flourish, while governed as it is, and has all along been; and that a change of system is absolutely necessary; not only to bring into operation the resources of the country—but to preserve the existence, difficult and embarrassed as even that has been made, of the colony itself.

I purpose drawing your lordships attention to this subject under the following heads:

1. The power of the governor, and the way in which it is exercised.
2. The courts of law.
3. The state of the police.
4. The moral character of the inhabitants.
5. The amount of the population, and state of the colony.
6. The physical condition of the colony and its adaptness to colonization.

7. and lastly. The alterations in the mode of governing the country which its present circumstances require.

## I. The authority of the Governor,

Is conferred by patent. It is printed in the Appendix to the House of Commons Report in 1812; and is accompanied by a copy of the instructions given to Lachlan Macquarrie, Esq. the present governor, on his departure from this country. That patent, and those instructions, give him no power to make new laws, or even regulations which invade the property or liberty of any free man in the colony. He may grant pardons, and give tickets of leave to the convicts; he may locate land to the amount of one hundred acres, without the concurrence of the government at home; he may make and unmake magistrates, and he exercises an inspection and controul over all the various municipal authorities of the country. These powers, with the administration of a revenue of somewhat above 20,000l. per annum, and the great influence which arises from situation and the extent of patronage, constitute what may be termed the powers of the executive government of New South Wales. The original duties of this officer, were little else than those of the keeper of a large gaol occupied by criminals. A great alteration has, however, taken place; the inhabitants have been changed and the greater proportion of them now are free men. But the

government has not been changed; that remains the same, and is exercised in the same manner. Some checks upon the power which was formerly confided to the governor, have been devised. In consequence of the scandalous abuses practised under his predecessors, the present governor is ordered to send home annually, a return of the quantity of land he has given to individuals; and he cannot make a grant to a greater extent than one hundred acres, without the consent of the crown. Has this injunction been complied with? I am inclined to believe it has not; for on moving in the prison committee for those returns, it was confessed that none existed; and thus this check has been rendered nugatory. Heretofore, the governor pardoned convicts at his own will and pleasure. The committee of the House of Commons in 1812, proposed to deprive him of that power; and I believe at present, that though the power exists, it is exercised much more sparingly and cautiously than heretofore.

In respect to the granting of tickets of leave, at the suggestion of the above-named committee, a return was proposed to be annually sent home, of the number of those tickets which had been granted, together with a statement of the prisoner's original sentence; and the circumstances which led to its alleviation. Governor Macquarrie, in his answer to that dispatch,* objected to making such a

* Vide House of Commons Papers.

return as causing unnecessary trouble; he asserts, that tickets of leave have been generally given by him, to men who have been for many years working for government: or to those assigned to settlers or servants—or to men having wives and families who had thus strong claims to indulgence:—he enclosed, also, a copy of the following order, issued by him upon this subject. First, that "all petitions or memorials for free and conditional pardons, and tickets of leave will be invariably required, in future to be countersigned both by the clergy, and principal magistrate of the districts wherein the applicants reside; certifying that in their opinion they are deserving of the indulgence so solicited; and the clergymen and magistrates throughout the settlement, are hereby strictly enjoined not to sign or grant such certificates, to any persons with whose real character they are not well acquainted; which certificates must express their considering the applicants *sober, industrious* and *honest.*"

Second. That "tickets of leave, enabling persons to employ their time off the store for their own private advantage, will not be granted to any persons, *until they shall have been employed, either by government or by private individuals to whom their services may have been assigned, for the full space of three years.*"

In respect to absolute pardons, his excellency the governor, in the same order, not only requires the most unquestionable proofs of rectitude of conduct for a long series of years; but that no one

under sentence of transportation for life, shall ever apply for an absolute pardon until he or she shall have resided for the space of FIFTEEN YEARS in the colony; and such persons as have been transported for limited periods, are desired not to *apply* for absolute pardons, until they shall have resided in the colony for at least THREE-FOURTHS of the original period of their transportation. Those who apply for conditional pardons or emancipations, (which make them free in the colony, though not elsewhere) who are under sentence of transportation for life, are required to have resided at least TEN YEARS in the colony, *before* they make such applications; and those who are under sentence for limited periods, at LEAST TWO-THIRDS of their respective periods of transportation, *before their applications for conditional pardons or emancipations*, WILL BE TAKEN INTO CONSIDERATION. These limitations, partly voluntary, partly compulsory, have been imposed on the power of the governor to pardon or emancipate convicts. I am not at all, however, satisfied with their rigour; as, from the nature of offences which are punished by transportation, many individuals have been sent to New South Wales under sentences of seven years, whose crimes, according to any rational proportion of punishment to offence, would have been severely punished by as many months' imprisonment. Yet, perhaps, any rule is better than none; and if these regulations, generally promulgated through the colony, have been persevered in, the new system,

though harsh, may be more just and equitable than the old. The question then is, have they been so obeyed? Are they practically in force? Have any exceptions been made, and in what instances? Were these rules meant to have any operation in New South Wales? Or were they only to produce an effect in the Colonial Office, and obtain the rescinding of that order, arising from the suggestion of the House of Commons' Committee in 1812? which would, indeed, have put some restriction on the abuse of those powers; namely, that, the power of granting absolute or conditional pardons should be vested solely in the government at home; and that a return should be annually transmitted to the secretary of state, of the tickets of leave granted, *with a statement of the prisoners' original sentence, and of the circumstances which have led to its alleviation.*

The governor of New South Wales is, of course, a magistrate; and at the head of the magistracy of the colony. He has, however, no authority beyond that of a common justice of the peace; and though sound discretion might, perhaps, lead him to refrain from personally acting as such, yet he has a co-equal authority (and no more) with any person whom he may nominate to that office. He can commit offenders to prison; he can order the infliction of the lash on refractory convicts; but he cannot flog any enfranchised settler or free man at his own will and pleasure; he cannot commit to gaol without informations taken on oath; and in

every instance he is bound to a strict compliance with all the rules laid down by the courts of law at home, and to all the forms by which, as practised in England, justice is administered, with the least possible injury to the personal liberty of the accused. The patent gives no new powers to any one:—it only enables those who hold authority under it, to put into execution, in the colony of New South Wales, the laws and customs of England. The governor of New South Wales is invested with no irregular or despotic authority. The crown of England can no where confer any such authority. He has large, but limited, powers; and though they are not well defined, yet a line has been clearly marked, beyond which he has no legal right to go. Still, however, where the intention has been good, many errors may, and will, be forgiven — particularly faults which may have arisen from an education directed to any thing except the reasons and wisdom of civil polity. Where an erroneous system has been long pursued, the actors in it may be viewed with a lenient eye; but it becomes the duty of those who hold office, and whose true interest it is to correct errors and destroy abuses, to take every step that sound policy may dictate, to remedy all those evils, which are naturally the growth of authority delegated to persons on the other side of the globe.

The principal evidence examined by the prison committee was Alexander Riley, Esq. merchant at Sidney. Mr. Riley had been a magistrate in the

colony for fourteen years;* and had filled there many important official situations. It is needless for me to praise the admirable testimony given by this witness: there can be but one opinion of its merit;—his good sense—sound and rational views—his opinions, when examined upon questions of great delicacy, touching the reputation of others; and, above all, the air of candour and truth which is apparent in every word he uttered,—prove him one of the most valuable and trust-worthy witnesses that ever gave testimony before a committee of parliament. I feel assured he has not uttered one word that is not strictly correct: but, though there cannot be found in his evidence the least appearance of exaggeration, yet I think I perceive, in several instances, a backwardness to accuse, or to risk the chance of doing injury to others, which does him the greatest credit, and renders all he has said, which in the smallest degree has a tendency to criminate, of the greatest weight and authority. Let me then direct your lordship's attention to his evidence as to the authority of the governor.

I have observed that the magistrates are appointed and removed at the governor's sole will and pleasure. Mr. Riley considers it advisable to limit this power; and, until there is a council in the colony, and that the governor, in making those appointments, ought to have the co-operation and concurrence of

* Evidence Gaol Committee, p. 9.

one, if not of the two judges of the courts.* The power possessed by the governor in this particular, may be abused in three ways. 1st. By appointing improper persons. 2dly. By the non-appointment of those who ought to be nominated; and 3dly. By the improper removal of those who have been appointed. A list was shewn to Mr. Riley, containing the names of nineteen persons, to which many names might have been added; all were, he said, proper persons to be appointed magistrates; and an increase in their number was much wanted in the country districts, as well as in Sidney.† Does your lordship think, that if there had been any controul over the absolute power of the governor in this respect, that Mr. Lord and Mr. Thompson would have been nominated magistrates, and Mr. Marsden compelled to resign that situation? Do you think that two persons who had been convicts would ever have been placed on the bench, and a most active, persevering, and meritorious magistrate, the head chaplain of the settlement, and who had filled that situation for twenty-four years, would have been driven by ill-treatment from it? I refer you to the letter in the Appendix, to prove the manner in which that respectable clergyman has been used; and I then ask, if it be fitting any longer to continue so uncontrouled an authority in the hands of one who has thus con-

* Evidence Gaol Committee, p. 54.

† Ditto.

ducted himself, and who has been censured by your lordship for the appointment of the first class of magistrates, and, I trust, not the less blamed for his treatment of the last.

—As to the appointment of Messrs. Lord and Thompson—Mr. Riley says, "there was no person capable of reflecting upon the measure, who "did not regret that the governor had taken so premature and unexpected a step; and, I think, this "sentiment has equally prevailed on the minds on the "discriminating proportion of those who had originally been prisoners themselves, as among the inhabitants who came free into the colony: the appointment unquestionably lessened the respect of "the inhabitants towards the magistracy; and it was "viewed by the mercantile connections abroad, and "by every stranger who visited it, in the same light."* Mr. Thompson is dead; and of him, therefore, I shall only remark, that Mr. Riley, when pressed upon the subject of his character said, "He had "uniformly heard his appointment considered by "those who had better means of knowing than himself, as improper, and that it was impossible he "could ever have been looked up to with respect or "esteem, in the district over which he was appointed "to preside. This is also [he added] my own opinion."† In respect to Mr. Lord, whatever property he might have possessed, when he was nominated,

* Evidence Gaol Committee, p. 55.

† Ditto, p. 56.

'it surely cannot now be contended, that a common auctioneer, who daily mounts a cart to sell goods,* of all descriptions, by retail, is a fit and proper person to act as a magistrate, and to sit side by side, as he does occasionally, with the chief justice on the bench of the first court of the colony. But before his appointment, the governor could not but have known that an official report had been made against him for having seduced girls in the Orphan School, and that one of the chaplains of the colony had refused to act with him, even as a commissioner of highways.† This appointment, though censured here, has not to this hour been cancelled; and I should wish to be informed if his majesty's government, while disapproving the nomination, still allows the person to retain it, means also to approve of the dismission of Mr. Marsden. Has Governor Macquarrie found such favor with your lordship, that he may, with equal impunity, appoint a bad and dismiss a good magistrate?—If so, it is another reason to limit an authority against the abuse of which there is no where any protection, and which is equally safe from censure, whether it punishes the good or promotes the bad. I am the more eager and anxious upon this subject, because the fatal step taken in the nomination of Messrs. Thompson and Lord, to the magistracy, has laid the foundation of the feuds and 'per-

* Evidence Gaol Committee, p. 55.

† Ditto.

petual animosities which have for these last eight years distracted the colony; — hence the attempt to force upon Mr. Justice Bent, and his brother, the Judge-Advocate—solicitors who had once been convicts;—it was indeed the natural consequence of the first measure, for who were so fit to plead before judges who had been convicts, as solicitors who had been in a similar predicament? Unless all this had been matter of public notoriety, it never would have been credited that a governor of an English colony could have *recommended* to the chief-justice of the settlement,* to admit men to practise in his court, whose character and conduct I can describe in no other way, than in the words of the chief justice himself.

"The individuals who have practised, or who claim a right to be admitted as attornies, are George Crossley, Edward Eagar, Georges Chartres, Michael Robinson, and William Fleming. With regard to their characters, George Crossley is a man notorious in the annals of Westminster, and his infamous and base character is well known to most practisers in his majesty's courts at home; he was transported to this colony at an advanced period of life, being convicted of wilful and corrupt perjury, and it was matter of congratulation at Westminster, when he met the punishment due to his misconduct. His behaviour in this colony has been far from meritorious, and he has repeatedly deserved

exclusion from that practice which he had heretofore been permitted to have.

" Edward Eagar was transported to this colony in 1810, having been convicted in Ireland of a felony in 1809, and received conditional emancipation from Governor Macquarrie in 1813; so that he is still under the sentence of the law, and could not return home without rendering himself liable to capital punishment.

" George Chartres was convicted in Dublin, of a felony in 1810, and was transported to the colony in the year 1811, and only received a conditional emancipation in June 1814, and he has been sent once, since his arrival in this colony, to the coal river for misconduct, and is also still under the sentence of the law.

" Michael Robinson was transported for writing a threatening letter to Mr. Oldham, in order to extort money. His case is well known and is reported in East's Crown Law—in Leach's Cases. He is at present employed as the chief clerk in the office of the governor's secretary.

" William Fleming was transported from Ireland, for uttering, I believe, a forged note, and had been refused permission to practise in the former court of civil jurisdiction, from unfitness, and improper conduct." Mr. Justice Bent adds, " *I could* " *scarcely have expected that Governor Macquarrie* " *would have felt it right to interfere at all, as to* " *the persons to be admitted attornies in the courts* " *of justice; and I still less expected that Gover-*

"*nor Macquarrie should express a decided*
"*opinion that such persons as George Crossley and*
"*Edward Eagar should be admitted, and that he*
"*would, as Governor in chief over this colony, write*
"*an official recommendation of them to the supreme*
"*court.*"*

Mr. Riley, with a candour almost peculiar to himself, (though for reasons which he assigned, he had been at first friendly to the measure) told the committee, "that he regretted the line he had pur-"sued,"† for such was the after-conduct of many persons of this description during the consequent closing of the court, as to satisfy him that much mischief would have followed the admission of them to practise as solicitors. I shall not trouble your lordship with any comments, on the various points of dispute between Governor Macquarrie and Mr. Justice Bent; they all originated in this perilous attempt: and though I am ready to admit that more temper was shewn by Mr. Bent, than perhaps, was either decent or becoming, and consequently his re-call became necesssary; yet there were faults on the other side, which I cannot imagine his majesty's ministers did not see. Voluminous as the correspondence is, which has been laid before the committee, there has not been one letter produced to shew what were the feelings of government on the different questions, which were sub-

* App. Rep. Gaol Com. (D.)
† Evi. ditto, p. 53.

mitted to their consideration. There does, however, appear to have been the free use of a species of language, on the part of the different parties engaged in the correspondence, which, I believe, is novel in official dispatches.

It has not heretofore, been usual for a governor, in writing to a judge to tell him, "that his insinuations and assertions were as unjust as they were illiberal:"*—Or have I yet met with, in all the official writings that I have perused, any note couched in the following terms: "The Governor has received a most insolent and disrespectful letter, of this day's date, from Mr. Justice Bent, full of gross misrepresentations and calumnies—which merits no other answer than his expression of contempt."† Nor is Mr. Justice Bent, indeed, backward in replying in the same style, he thus concludes a note dated the 8th September 1815: "Mr. Justice Bent has never, as a private individual, had any knowledge, acquaintance or correspondence with Governor Macquarrie, and from the mortifications he has in his public station experienced from his excellency, should by no means think such private knowledge or acquaintance desirable, or feel himself much honoured by such correspondence."‡

* Appendix, (C. 24.)

† App. Gaol Rep. (E. No. 2.)

‡ App. (F.) to Gaol Com. (No. 5.)

The next important limitation of the power of the governor is, according to Mr. Riley, to be gained by the appointment of a council. He speaks, no doubt, the language of the rational and respectable part of the colonists; who all concur in the opinion, that a measure of this nature is indispensable.* He considers the chief-justice or judge-advocate and others might constitute that council; and the board be assimilated to that which exists in our Indian possessions, where the greatest benefit has been derived by the adoption of so salutary a check on the executive government. Mr. Riley thinks, too, that many acts committed by various governors would not have taken place, if they had been controuled by a council.† The committee of the House of Commons in 1812, remark: "That "the manner in which these extensive powers (of "the governor) have been used, has not always "been such as to give satisfaction to the colony; "nor can it be expected, where so much authority "and responsibility are thrown into the hands of "one man, that his will, however just, and his "administration, however wise, will not at times "create opposition and discontent amongst men, "unused, in their own country, to see so great a "monopoly of power. Under this impression, "your committee think it right to recommend, "that a council be given to the governor, for the

* Evi. Gaol Com. 59, 145.

† Ditto, 60.

" purpose of sharing with him in the responsibility
" of the measures they may think necessary for the
" security or prosperity of the colony. It may,
" perhaps, be doubted, how far it would be wise to
" limit the authority of the governor over a colony
" in which, more than in any other, the govern-
" ment ought to be strong and unfettered. But
" the views of your committee would in some
" degree be obtained, even though the council
" appointed had no other power than that of pro-
" testing against any measures of the governor of
" which they might disapprove, and of transmitting
" their protests to the secretary of state. The
" acquiescence of the council would give popula-
" rity to the measures of which it approved, and
" its expressed disapprobation might have the effect
" of checking such as were evidently inexpedient."

It must always, also, be remembered, in all discussions on the propriety of imposing checks on the power of the governor, that the established rule of the colonial-office at home, has been to appoint naval or military men to fill this situation. Whatever other qualifications these persons may possess, they are no where distinguished for their skill in the arts of civil polity. They are at all times little used to balance the nice questions of liberty and law; but, on the contrary, are, from the nature of their education, too apt to require submission and obedience the most prompt to any command, however arbitrary or irrational. As long as the colony was to be considered as a large gaol, it might be

governed after the manner of Newgate, or the hulks; but as it has now risen from the degraded state of a penal settlement, to the station of a colony, peopled by many thousand free Englishmen, and to which the industry and enterprise of the whole nation are now directed, it surely becomes a question of no mean importance to determine, whether, at a distance of fourteen thousand miles from the mother-country, one military or naval man is to possess, uncontrouled and undefined, the enormous powers of reward and punishment which are now vested in the governor of New South Wales.

I consider the appointment of a council of primary importance to the well-being of the colony. I do not intend to discuss the wisdom or prudence of placing unlimited authority in the hands of any one in any country; the question at issue is,—Is it politic to leave, in New South Wales, a naval or military officer without check or controul from the civil authorities? Your lordship in your letter to governor Macquarrie, bearing date the 23d of November, 1812, remarks "that to the "recommendation which the committee of the "House of Commons have made of assisting the "governor by a council, his majesty's government "feel no disposition to accede. The difficulty of "selecting proper persons for the situation of "members of the council, the dissentions and disputes to which their opposition to the governor, "or their protest against his conduct must give "rise; the parties which would thence arise in the

" colony: the length of time during which the " public tranquillity would be interrupted, before " a communication could be received from home; " the danger of weakening the higher authorities, " in a society composed of such discordant mate- " rials, are all causes which have more or less " influenced the determination which has induced " his majesty's government to leave the governor " unfettered by a council."

These being the reasons assigned by the colonial office, I am disposed to examine them *seriatim*. 1st. As to the difficulty of selecting proper persons. That difficulty is surely got over, when the chief-justice and lieutenant-governor are proposed as the persons qualified to be thus selected. The last named officer would be particularly fitting; as the lieutenant-colonel of the regiment in garrison at Sydney, is the lieutenant-governor; and from the fluctuating nature of his situation, no danger could arise from the supposed permanency of the board. The principal chaplain, too, may also be considered as a person who might with propriety be nominated. Besides these individuals, there are many others, who, from their situation in life, their property, talents, and the length of time they have served as magistrates, or been resident in the country, who might also have a fair claim to be selected. Do you not think, my lord, that the opinion and advice of Mr. Riley would have been of great service to any governor, and that the judgment of merchants of equal respectability would have not had

its proper weight when a proposition was submitted to their consideration, the object of which was, to levy heavy taxes on all the articles of export of this infant colony; or when the payment of so much per head on all the crew and passengers of the vessels quitting the harbour was demanded, for the purpose of putting so much money into the pocket of the secretary of the governor.

2d. The dissentions and disputes which such a council would give rise to; and the parties which must thence arise in the colony.

To be sure, if there is to be no difference of opinion, and no discussion, a council would be a mere mockery. There could be no deliberative body; and wanting the substance of power, the shadow would be a jest. But is it not clear that this objection goes too far, and proves too much for rational argument? It would establish as a general proposition, not that, "in a multitude of counsellors there is wisdom," but that in any council at all there must be nothing but folly. The truth is, this mode of administering a government, like all others, has its evils. The question is as to the balance of good against evil; and though where there are more wills than one to be consulted, disunion and dispute may arise, yet in the working of the machine, I make no doubt here, as elsewhere, many of the difficulties which belong to the theory, would not be found in the practice. A compromise of opinions, which takes place every where, and no where in a greater degree than in councils, which

your lordship knows more of than I do, would happen here; and the result would be the voluntary abandonment of most of the questions where disagreements would probably arise; and the concession of something from all parties to each other, would enable them to go on together in union, and peace, to the great advantage of the country of which the affairs were under their management. But even if all the apprehended evils of a council were fully realised, will you, my lord, say they would be a tenth part so injurious as are the evils now in existence? As to the creation of parties, I wish to know in what country do they not exist —in what part of the world, even where men are at the mercy of the most cruel despotism, are they not to be found? The experience of the world proves, that differences of political opinions are safest and mildest, and less liable to break out in public commotions in those fortunate countries where the executive power is limited, and where the will of one man is not the rule of all.

That some controul is necessary over the power of the governor, no reasonable person can deny. All the circumstances of the colony, its distance from England; the object of its establishment; the frame of its society; and the class and description of persons hitherto selected to be at its head; its uneasy and dissatisfied state, are so many proofs of the want of it: and the question forced upon us is, What is to become of the settlement. Is it to be a gaol or a colony?—if a gaol, you must bring

back again to Europe all the free settlers :—if a colony, in order to maintain those who are already there in a flourishing condition, as well as to induce persons of character and property to settle within its territories, a rational, limited, legal government, must be established. Martial law may be a fit mode of government for felon convicts; but free settlers will be ruled by nothing short of a system of civil liberty. It would be idle to construct a constitution beyond the wants of the people who are to be benefitted by it, or beyond their capability of enjoying it. Thus a representative government in New South Wales would, at present, be a wild and futile scheme. But the protection of an authority, limited and regulated by law, they have a right to demand; and if English statesmen do not bestow it, other means will assuredly be taken, and by which it will be obtained.

Those who planted this colony, seemed to have viewed it, as if, on looking at their children, they had forgotten they were one day to grow up to be men. It is even now strong in manhood, but it is still under the discipline of infancy. It is hardly too much to say, that as yet, nearly every ordinance of every governor has been illegal. By the 25th of Geo. III. courts of justice were established, but their powers were limited. When convened, " the courts are for the trial and punish-
" ment of all such outrages and misdemeanors, as
" if committed within this realm (viz. England)
" would be deemed and taken according to the

"laws of this realm to be treason or misprison "thereof; felony and misdemeanor." By what law then, and by what authority, and where is the statute under which the several governors have issued ordinances, in some instances creating new offences, and in others, inflicting new and unheard-of punishments? These various persons have all assumed the legislative power. When the ordinances are issued; what court is to try the breach of them?—Not the courts established under the 25th of the king, for they have no such power.

It is in evidence, before the committee, that one of the judges declared he should consider the ordinances of the governor as legal, as if enacted by parliament;* and Mr. Riley has stated that, as a magistrate, he should have felt it his duty to obey them.† Is it not then, of importance to those who are to obey, as well as those who are to punish, to have this question solved—*What right has the governor to make new laws, and to command obedience to them?*

There is, besides, according to Mr. Judge-Advocate Bent,‡ a large book of these ordinances, (he complained of their number, and professed an inclination to collate them,) some of them contradictory to each other, some vexatious, others no less absurd than illegal. Are all the edicts of these Justi-

* Letter to Earl Liverpool, 1811, App. Transport Com. 1812.
† Evi. Gaol Com. 144.
‡ Ditto, 57.

nians of New South Wales, law? and are they to be obeyed as such? If broken by free-settlers, what court can take cognizance of the infraction of them? Not surely the civil court; and as to the criminal court, its powers and jurisdiction are limited by statute, and it cannot enlarge its own authority. Who has ever heard before of a court of criminal equity, which always presumed against the subject, and in which the ordinances of one man constituted the law of the state. The truth is here, as in Grenada in 1764, to use the words of Lord Mansfield, "the inattention of the king's "servants," is the sole cause of this dispute. These king's servants have never deigned to look into the legal part of the question, and it has been taken for granted, that the crown has the power of delegating legislative functions without the authority of parliament. The great struggle for political existence, as a nation, in which we have been engaged, has kept the public attention from constitutional disputes, *de minimis*, on the other side of the globe; so that complete impunity has been given to a system of legal usurpation. I do not complain of all the ordinances; many, on the contrary, were necessary and expedient; but I deny the legality of the power that made them, and their success has furnished a dangerous precedent for other acts of the same unconstitutional, though less beneficial, nature.

In my letter to Lord Sidmouth I referred to some of the illegal orders which had been issued. Taxa-

tion, without law, is now remedied; by a short act, passed last year, to legalize for a period the imposition of certain taxes, and the question is to come under consideration this session. I know no stronger proof of the negligent conduct of his Majesty's government than the proceeding in New South Wales in respect to the levying of taxes. Who would have imagined that Lord Liverpool, and the Privy Council for Trade, in 1812, should have been so ignorant of law as to order their imposition without the authority of parliament?

But it is not only by the imposition of taxes that the governors of New South Wales have broken the laws of England; they have all, without exception, ventured to legislate, and to give to their orders the authority of the statute laws of the land. No one has, however, more signally done this than Governor Macquarrie. *He has*, by other acts, according to the evidence before the committee, for all of which he is amenable to law, *prevented free persons from landing in the colony;** *he has sent free persons by force out of it;*† *he has punished the misdemeanors of free persons with the punishment allotted to felon convicts;*‡ *and he has* FLOGGED FREE MEN WITHOUT TRIAL.§ Is it then too much to ask, under what authority these outrages have

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* Evi. Gaol Com. 127.
† Ditto, 146.
‡ Ditto, 144.
§ Ditto, 58, 59, 122.

been committed? (as I confidently state, there is no law to warrant them,) and to demand that some limit should be set to powers so abused.

I have forborn to urge other proofs of the mischiefs arising from the species of authority vested in the governor; every page of the evidence is full of them, and their effects are visible in all quarters of the colony. I feel it, however, due to Governor Macquarrie, to state that, in my opinion, he has, in various instances, done much good to the colony, and for this he deserves great praise; but he has also committed many serious errors. There is, perhaps, something in the nature of arbitrary power which weakens even the best intentions, and so perverts the unhappy holder of it as to turn even the good sought to be done into evil. I am sure many of the acts I have complained of are traceable to this cause, and it is my firm conviction that, if his authority had been checked and controuled by the advice of a council, not one of his fatal mistakes would have occurred, and his sdministration would have been considered the only one which, since the settlement of the colony, had not been a grievance.

## II. Courts of Law.

It is not necessary to enter into a minute investigation of the constitution of the courts of law prior to the new patent; their insufficiency; their strange anomaly to any thing existing elsewhere in any part of the civilized world, have been fully acknowledged. As the late Mr. Judge-Advocate Bent, in a dispatch

bearing date the 19th of October, 1811, has explained most fully the evils which that system of law had produced in the colony, I shall confine my observations to their present establishment. There are then five courts of judicature—the criminal, the governor's, and the supreme courts'; the court of admiralty, and the high court of appeal. These are held in New South Wales; but there is also a lieutenant-governor's court, held at Hobart Town, in Vandieman's Land.

The judge-advocate presides in the criminal court,* and its members are six military officers chosen by roaster from the regiment on duty in the colony. It is in fact nothing beyond a general court-martial, having a smaller number of members than is usual in that species of court in England. This court is held every three months; tries all species of felony and misdemeanor (though it is principally confined to cases of capital felonies or serious crimes); and the majority of voices determines the guilt or innocence of the accused. The officers composing this tribunal have no additional pay for performing its duties; but the judge-advocate receives a salary of 1200l. per annum: before this court-martial all the free-settlers, as well as the convicts, are liable to be brought to trial.

Mr. Riley states, that he has never heard of the governor's interfering in the construction of this court, or refusing his assent to the nomination of

* Evi. Gaol Com. 50.

any officer to sit there in his turn; yet he possesses the power so to do: and though I believe the present governor to be incapable of such an act, I cannot say the same of some of his predecessors; nor can I answer for what may be the conduct of those who may succeed him. They may not be so scrupulous, and if it ever should be the object of the government in New South Wales to destroy an individual, the governor has the power of packing the court, and composing it wholly of persons under his immediate influence and controul. The accused has here no power of challenge—he may see on the bench his bitterest and openly avowed enemies, and he may thus become a victim to the private animosity of individuals; or what is more likely to happen, to the prejudices and ignorance of persons who, though good judges of simple facts, may never have been accustomed to weigh accurately the balance between conflicting testimonies. There are, besides, mixed cases of law and fact. Select a libel for example, in which a strong party feeling, no less than real ignorance of the difficult question to be determined, might lead this species of court to take an erroneous view of the case, and to feel unwilling to interfere between the wish of government, and the rights of the subject.

I do not know if my information be correct, as I have only received as yet the report of one party; but it is not long ago since a trial was had, and a verdict given, upon a prosecution of a libel against the governor, in which some symptoms appear of a

dilemma of this nature. Let us then see the difficult situation in which the judge-advocate stands—he may be the committing magistrate—he may take all the depositions—prepare the information himself—and be at once the prosecutor and judge. Mr. Judge-Advocate Bent says, "the title of judge-"advocate, with the circumstance of so large a "majority of the court being composed of officers, "either military or naval, gives the court so strong "a military cast, that I may say all the officers, and "most of the inhabitants of the colony, look upon "the court in no other light than as a court-martial. "On this account, the court of criminal jurisdiction "does not command that veneration and respect "which ought ever to attend upon a court of justice; "and the free, respectable, and affluent inhabitants "of the colony are rendered amenable to a jurisdic-"tion originally intended for the summary investi-"gation of the crimes of prisoners, and established "two at a time, when there were no others but "military and naval officers proper to be appointed "to act as members of a court of justice."* In this opinion I most fully concur. There can surely be nothing more revolting to a free-born Englishman, than to have, for his judges, a court clad in a military uniform; and though, no doubt, generally directed by those high principles of honour which characterize the professions to which its members belong, yet at the same time liable to all the tempta-

* Letter from Ellis Bent, Esq. to Lord Liverpool, 1811.

tions to swerve from their duty, from which they might be betrayed by their habits, interests, or prejudices. I allow, if it were not for the unseemly nature and appearance of this court, it is fully competent to try all common questions of felony and such misdemeanors, as have been clearly defined by statute; and in all probability as equal and impartial justice, in such cases, would be obtained there as in the courts of quarter sessions in England; yet young officers in the army are only tolerated as judges, because there are no better modes of trial in our military courts at home—their want of experience—their habits of life—all unfit them for judicial situations; and though, where the crime is so well defined by law, and the guilt is so plain, that no one can doubt the proofs by which it is established; their verdict may be correct, yet a thousand questions must daily occur of the admissibility of evidence and of what constitutes legal proof, &c. &c.; for which decisions they must be among the least qualified of all men who can write and read.

These objections are, to my mind, unanswerable: much stronger arguments might, however, be urged against the system, when it is considered, that in all cases in which the governor, or his interests, are parties, the court to try them is paid by the crown, is appointed by the crown, and that the members hold their official, no less than their professional existence at its pleasure.

Let us try then the difficulties in which the judge-advocate is placed, by an example.

The secretary to the governor is CENSOR *of the government newspaper, the only one that is published in the colony; he selects, alters, expunges, or amends all the articles that are therein published.* On the 4th of January, 1817, a letter signed *Philo-Free*, appeared in the Gazette, alluding, in such terms as could not be misunderstood, to the conduct of Mr. Marsden, the principal chaplain of the colony, and head of the missionary society in New South Wales. As the libel was gross, and the expressions unusually coarse and unbecoming, he determined to prosecute the printer and publisher, and accordingly applied to the judge-advocate to file, or suffer him to file in his name, a criminal information against the printer of the Sydney Gazette, for the said libel. The judge-advocate replied, on the 14th of January, to this letter, in which he declared, "that if he could satisfy himself that the writer of the letter purposed, maliciously to defame any particular person or individual, he should have felt it his duty, and would have performed that duty, of filing and exhibiting as the judge-advocate of the colony, a public charge against the printer, unless the author had been given up;"—he then concludes his letter in the following terms: "I shall still be very ready, if you persist in your purpose, and will furnish me with affidavits of persons, who, reading the letter, will make oath, *on which, however, I hope they will duly pause*, that any part, or the whole of it is, in their judgment, plainly and obviously

"directed against, and intended to designate your-
"self, comply with your request of exhibiting at
"the court of criminal jurisdiction, any individual
"in that respect you may think fit to present." Mr. Marsden replied to this letter on the 16th of January, furnishing the necessary affidavits, yet stating in very moderate and guarded terms, his reasons for still thinking a criminal information ought, *ex-officio*, to be filed against the printer and publisher of the alleged libel. To this communication the advocate-general sent a most singular reply. Your lordship will observe the distressing and anomalous situation of the judge-advocate—he gives his opinion as a lawyer that there is no ground for a prosecution—he is, however, compelled to prosecute, and he presides as judge to try the very cause for the criminal pursuit of which he had already declared he saw no legal foundation. Mr. Marsden met with very harsh treatment throughout the whole of this business—not only was every possible impediment thrown in his way, but Mr. Wylde, the judge-advocate, wrote him a most severe reprimand for presuming to hold an opinion of the law upon this subject different from his own—for having ventured, even in the humble and petitioning tone he had assumed to state that opinion—and above all, for his great presumption in consulting any legal adviser. He gives him, besides, and others in hi situation, the consolation of knowing that the law, as administered in England, is not his rule and guide; but he having a distinct authority in New

South Wales, should exert it according to his discretion.

This reprimand I should have thought was enough for an offence (if any) that had been unwarily committed. But your lordship, in the exercise of your discretion, also, has directed a letter of censure to be written to Mr. Marsden, upon what grounds I know not. No imputation is cast by Mr. Marsden upon the motives or conduct of the judge-advocate; and the letter from Mr. Goulburn is to my mind most inapplicable.* Mr. Marsden, it is true, had the presumption to solicit a public officer to re-consider his decision, and in order to induce him so to do, he, either from his own legal knowledge, or from that of others, adduced as an argument the practice of the courts in England. When the offences of the two parties are contrasted—the circulator of the libel, and the sufferer under it, I cannot but think, that of the two letters, the one written by your lordship on the 18th of September, 1818, and the other by Mr. Goulburn, more resentment is shewn against the clergyman and magistrate, who presumed to complain, than against the person who had been convicted of inflicting the injury. The trial, however, of this cause took place; the judge-advocate presiding in the court which was to decide a question upon which he had already given an opinion there was no foundation for entertaining. A verdict was, however, pronounced in favour of the plain-

* App. (M.) Gaol Com.

tiff. A circumstance occurred which was at least unusual. It belongs to the office of judge-advocate to declare the judgment of the court, and it is said to have been done in the following terms: "In such "a case, involving in itself such personages in this "colony, the person who delivers the judgment of "the court, as their organ merely, does not think "proper to make any observation on the case." Now, with all due deference to the discretion of this law officer, I cannot conceive a case in which the judgment of the law officer of the crown, presiding at the head of the criminal court, would have been more practically useful to the administration of public justice. The plaintiff was a clergyman long resident in the colony;—a magistrate of unblemished character, an agent, with other benevolent persons in an enterprise of great philanthropy and extensive usefulness. This respectable individual is libelled in the government newspaper in the grossest and most offensive terms—a prosecution is commenced—a verdict of guilty is found —the author is not given up, but a new officer of whom the colony was ignorant, whom the law of England knows not, is discovered to exist; *a censor of the press* in the person of the chief secretary to the governor, and this censor is found "guilty of having permitted a public letter to be "inserted in the gazette, which tends to vilify the "public conduct of Mr. Marsden, and which it "was in the power of the defendant in his official "capacity of secretary to his excellency the go-

"vernor of this colony, to have prevented the "publication of." Thus then because forsooth the defendant was in authority, had the power to injure, and committed an injury; the judge, who presides over a court of law, is to make no comment upon his conduct;—this may be sound and legal discretion [more worldly I suspect than legal or sound] in New South Wales, but it would be thought very strange if these doctrines were promulgated in the court of King's Bench in England.*

* I have alluded to this trial to shew the evils of this junction of two incompatible situations—those of criminal accuser and of judge: it may, however, be worth while to relate the termination of this trial.—On the day appointed for the judgment of the court against the defendant, Mr. Moore, the counsel for the prosecution, said "under all the circumstances of "the case, and as Mr. Garling and the defendant have thought "proper to insinuate, and indeed, directly to advance that, "in consequence of having adopted the present course of pro- "ceeding, the defendant had no opportunity of justifying the "libel; which he would have done, had a civil action been "commenced; it was not the wish of the prosecutor to call "for the judgment of the court on Mr. Campbell, but, in "order to give him that opportunity he requires of justifying "the libel [if such is in his power] it is the intention of the "prosecutor to commence a civil action." This was accordingly commenced and damages were awarded to the amount of 200l. Those who are curious to see the effect of this censorship, will do well to read the account of the trial before the criminal court, as published by Mr. Secretary Campbell in the Sydney Gazette. Mr. Riley declares it "not to be fairly stated, "and it was altogether a very partial report."* Upon the

* Evi. Gaol Com. p. 87.

Whether the anomalous situation of this legal officer has produced generally the evil effects it is so well calculated to do, I will not take upon myself to determine:—but, I am sure the legal adviser of the governor, his counsel and attorney "whose "orders *he* is to obey," is an officer of justice who, whatever may be his other qualifications, is not that species of judge, which the law of England contemplates in theory; and which is reduced to practice in the courts of law at home. Mr. Riley deliberately affirms, that he believes the words of the commission are as above stated,*—that they are so believed to be throughout the colony; and I leave the common sense of the English public to determine, whether a judge holding his office upon such terms, can practically enjoy that confidence in his fairness and impartiality, which it is necessary he should possess for the furtherance of public justice.

The governors court is composed of the judge-advocate, and two merchants of the town of Sydney.† It meets four times a-year, and it is a rule of the

whole of this proceeding, I shall make no comment. It is however, to be remembered, that Mr. Williams, compositor of the Sydney Gazette, swore that the manuscript of the letter signed *Philo-Free*, which Mr. Campbell gave to Mr. Howe, the printer, in his presence; and which was handed to him, was in Mr. Campbell's *hand writing*, and Mr. Robinson, *chief clerk to Mr. Campbell deposed to the same effect.*

* Evi. Gaol Com. 57.

† Ditto, 50.

governor's to select different persons for each term of its sitting. The attendance is irksome, and there are among the inhabitants few fitted for the office, the court sitting every day except Saturday's and Sunday's for a month and often longer. It has jurisdiction over all pleas *to the amount of 50l. and no more.* The merchants who compose it receive no emolument, and the causes are decided by the majority of votes: from this court there is no appeal.

The next is called the Supreme Court, and consists of a judge called the Judge of the Supreme Court, and two magistrates named by the governor.* This court meets also four times a-year and tries all pleas *above* 50l., an appeal lies here from all causes under 3000l. to the governor and judge-advocate whose decision is final; and above that sum to the king in council. Mr. Riley says these two courts are by no means adequate to the administration of justice in the colony. The courts constructed by the old patent, are considered to have been even more adapted to it; this inconvenience arises from the confusion occasioned by their construction—the governor's court has a jurisdiction to the amount of 50l. and no more, the supreme court has none under 50l. so that, if a plaintiff should fail in proof of his whole demand, and the value be reduced under 50l. he must then resort to a second trial before the governor's court, and be subject to all

* Evi. Gaol Com. 51.

the heavy costs incurred in the supreme court, and possibly also those in the court of the governor. The inhabitants were so aware of the inconvenience, that many persons had declined bringing their actions, and others for fear of being turned round in the supreme court, commenced their actions for a less sum than was actually due to them, that they might not incur the risk of double costs. It thus appears that the new patent, the work no doubt of great legal authorities in this country, contains within itself more evils than the old one which it was designed to rectify; the old abuse being preferable to the new reform. Mr. Justice Bent, in his dispatch dated the 4th of November 1815, points out some defects which require to be remedied, and Mr. Riley mentions another evil, viz. the *intolerable fees which are levied in the governor's court, and which are fixed by the governor*:* they are generally considered as being very high, and the costs attendant upon causes since the new patent has been proclaimed, absorb a large portion of the revenue of the country, and are much augmented from what they were under the old patent, and greatly beyond the means of the colony to afford. The judge-advocate's salary is 1200l. per annum. and his fees are said to amount to a similar sum.† I object greatly to this mode of remunerating law officers. It is difficult, sometimes to change a long

* Evi. Gaol Com. 51.

† Ditto.

established practice (however bad it may be) and the authors of this new patent must have been little conversant with the best opinions on this subject, and must have known as little of the recorded judgment of committee's of parliament. There is no mode of payment so unbecoming a judge as that which is drawn from fees, taken out of the pockets of suitors in his own court.

The high court of appeal I have already described. The court of admiralty has never been held, and the Lieutenant Governor's Court in Vandieman's Land is only for civil suits. In that ill-used and shamefully neglected settlement, there is no criminal court;—"to that circumstance is very consi-" derably attributable the great proportion of of-" fences which take place there, which are much " more numerous then in the same amount of " population in New South Wales.* The inhabi-" tants will suffer almost any crime short of mur-" der to pass without prosecution, rather than en-" dure the inconvenience of leaving their homes at " the probable risk of ruin, and taking a voyage " with their documents and witnesses to Port Jack-" son, (a distance of six hundred miles,) this is a " material inducement to the prisoners to commit " offences under a hope, they will not be prose-" cuted, and if they are so the chances are in fa-" vour, that they will escape conviction." It has occurred, in *numerous instances*, that persons who

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Evi. Gaol Com. 61.

were known to have committed the greatest atrocities in Vandieman's Land, have been brought to Sydney for trial, and owing to a deficiency of witnesses have escaped.* Mr. Justice Bent in a dispatch to the colonial office, remarks "that, in New South "Wales there were three great houses exclusively "devoted to the occupation of the governor, within "the compass of thirty-five miles, and on which "the labour of the government, servants and artificers,—goverment materials and means have "been expended to a large amount; yet in the "whole island of Vandieman's Land, there is "neither gaol — nor court-house — nor church. "and while new settlements and establishments "are forming, nothing is done, either for the welfare or security, or the alleviation of the wretched "state of the old."† Mr. Bates was sent out as deputy judge-advocate in 1805, and remained there till 1814 or 15, receiving the salary, but doing no duty: having no patent or authority under which he could act.‡ During the eight or nine years he was there, neither civil nor military court existed. Martial law was, indeed, proclaimed in 1812, in consequence of enormities committed in the woods by run-away prisoners:—murder, burning of stacks of corn, and parading armed in the villages, were the offences which led to this measure. During

* Evi. Gaol Com. 61.
† Append. ditto, (E.)
‡ Evi. ditto, 130.

all this period, there was no criminal justice, because there was no criminal tribunal;—there was no civil process, because there was no civil court. At present, by the late patent, the lieutenant-governor's court, with the deputy judge-advocate presiding, assisted by two inhabitants, holds civil process; but the deficiency of criminal justice still continues. This, then, was the condition, and in the most important particulars, is now the condition of a colony of above three thousand persons, in a British penal settlement, for the punishment and reformation of offenders:—it has been thus managed from the period of its plantation. Mr. Marsden writes in a letter, printed in the Appendix, and dated 5th February, 1818—"The settlement at Port Dalrymple "has now been established, I think, twelve or "fourteen years, and no clergyman to this day.* "It is not to be wondered that so many horrid "robberies and murders have been committed in "that colony, as the people are left without any "moral instruction whatever." Bear this fact, then, well in your mind, my lord, that from 1805 to 1818, in an English settlement for the correction of criminals, there was, for a portion of the time, no means of executing a civil process. During all that period, there have been no courts of justice—no minister of the gospel—no church—no moral or religious education—and, let it never be forgotten, likewise, that this is the neglect of persons assum-

* There is one at Hobart Town, the seat of government.

ing the title of British statesmen, who have thus governed a colony of felons and outcasts, in which the proportion of men to women is as fifteen to one.

No one can be surprised at the number and enormity of the crimes which were committed. The wonder is, that the whole race has not been destroyed by their hideous vices and enormities; and yet to this very settlement, children just emerging from infancy,—convicts for their first offences—transported for seven years, are sent without compunction; and the only difference between those transported here, and to New South Wales, is, that those who are believed to possess habits of industry, or the means of gaining their bread as artisans or labourers, are detained at Sidney, while only the refuse, the vile, the idle, and the worthless, are transferred to Vandieman's Land. The practice, heretofore, has been to charter all the vessels to Sydney, leaving to the governors of New South Wales the choice of the convicts he would detain at that settlement, or send on to Vandieman's Land. I should recommend, for the future, that the transports for each colony, both of male and female, should be selected at home; and that the ships should proceed to their respective destinations. By these means, the fine and beautiful settlement of Vandieman's Land, may have some chance of obtaining convicts of another class, than town thieves and London pick-pockets.

What the intention of the Colonial Office is in

this respect to this neglected colony, I have no means of knowing; but I am sure a distinct court of criminal justice is essentially required there, at which offenders may be speedily tried, and, if guilty, speedily punished. This act of rational government will go far to remedy the monstrous evils that have abounded in this colony for many years past. The record of offences committed there, as well as the class of persons who were, in some instances, the authors of them, and who yet escaped the punishment due to their crimes, must have been long ago transmitted to the Colonial Office.

The information which I possess upon this subject, convinces me, that no time is to be lost in establishing a court of criminal justice, separate and distinct from that which is held at Sydney; which, as far as Vandieman's Land is concerned, affords no adequate protection to the person or properties of its inhabitants. On a review, then, of the administration of justice in these settlements, it appears to be radically bad, and to give no satisfaction to the colonists, who, as far as the evidence has gone, universally complain of the mode by which the courts of law are constructed, and their inadequacy to the business of the colonies. Various projects have been proposed to remedy these evils; but the most feasible seems to be, the appointment of a chief and two puisne judges, who might try all civil pleas with or without the intervention of a jury. As to the expediency of at pre-

sent establishing that mode of trial, I have not yet made up my mind. The chief-justice might permanently remain at Sydney; the other two might alternately visit, as criminal judges, Vandieman's Land, holding an assize there, for felonies, twice a year.

In respect to the trial by jury, at Sydney, in criminal cases, though, at present, there might not be enough persons of established respectability in the settlement to serve as jurymen, yet, at least, there are enough to form half a pannel. I should think it might be now advisable to allow the governor the power of nominating, as jurymen, six officers, in the army or navy, as at present arranged by roaster, and the other half to be composed of the respectable inhabitants. The whole machinery of summoning and selecting, would be most easily set in motion, and the principle is already recognized in the nomination of two of the inhabitants as assistants to the judge-advocate in the governor's court. But if this division of authority should not be thought advisable, I would, sooner than not have the trial by jury in criminal cases, select the whole twelve from among the free and respectable inhabitants of the colony. The chief-justice would preside at the court, and be aided by the puisne judge who was not on the circuit. The judge-advocate might, at a diminished salary, and no fees but those of his profession, act as the attorney-general of the crown, and prosecute all cases where the crown was a party.

# POLICE.

THE police of New South Wales may be considered under the following heads. 1st. The magistrates residing in Sydney and the country. 2d. The constables and inferior officers. 3d. The number of offences committed, and their punishments.

## MAGISTRATES.

The manner in which they are appointed, has been already mentioned, as well as Mr. Riley's opinion of the necessity of some check being imposed on the power of the governor in this particular. When that gentleman left the colony, there were in it ten magistrates: viz. three in Sydney; one in Liverpool; two in Paramatta; and four in Windsor, and the neighbouring districts. Some addition to that number, in his opinion, was necessary; the colony having suffered inconvenience from the want of them, both in the capital, and at Sydney. All these persons hold their situations at the sole will and pleasure of the governor, who can, without assigning any reason, dismiss them from their offices.

The superintendant of police sits every day at the court-house in Sydney. There is, besides, a magistrate of the week, who hears complaints at his own residence; and the whole of the magis-

trates of Sydney meet every Saturday, thus forming a bench—the police magistrate presiding.

They take cognizance of offences which have been committed in the course of the week; and the punishments they inflict are either corporeal, in the nature of flogging, hard labour in the gaol-gang, or transportation to the coal-river. The whole class of small offences may be considered as being under their jurisdiction,* and they punish summarily those who would otherwise be committed to prison, and tried at the criminal court. Few free persons are ever sent to the coal-river by them, unless it is for a breach of an order of the governor's, to which that punishment is the penalty. Such, for instance, as illicit distillation, Mr. Jones informed the committee† that the governor had issued an *order*, in which he imposed the punishment of transportation to Newcastle, and hard labour there, on conviction before the bench of magistrates, of any person engaged in that offence. The mere fact being sworn to, that the accused had distilled, or a piece of a still being found in his house, subjected him to being sent to the coal-river for three years; and that several instances had occurred, in which that sentence had been carried into execution. Where the governor discovered the power to enact such a law, and to enforce it by such a penalty, I am at a loss to learn. The act

* Fifty-four Minutes of Evidence.

† One hundred and forty-four Minutes of Evidence.

on his part is decidedly illegal; and, I make no doubt, he has long ago received from the Colonial Office great censure for his arbitrary and unwarrantable conduct. Besides the power of transportation to the coal-river, which the bench of magistrates possesses, the police magistrate* has also the same authority exclusively entrusted to him; and he, sitting alone, can order a prisoner to that place for the term of two years. The governor, too, personally acts as a magistrate,† as far as relates to ordering punishments; "which the magistrates of "the colony look at with the greatest regret, con- "sidering it diminishes the dignity of the high "station he holds:—he orders prisoners to be "corporally punished, without having the com- "plaints against them enquired into before the "sitting magistrate of the week, the police magis- "trate, or the weekly bench of magistrates— "without evidence or oath given before himself, "or any other person.—No other magistrate in "the colony does the same." The punishment of transportation to the coal-river is used for small thefts, and "for offences which it would not be "politic to bring before a criminal court, or before "the bench of magistrates, who would probably "inflict one that was much more severe."‡ This

*Fifty-six, Minutes of Evidence.

† Fifty-eight.

‡ Ditto.

is the course of what is called justice, as it is administered at Sydney:—at Paramatta, and at Windsor, the same system is established.

## Constables.

These officers are selected either from among the prisoners in the service of government, who have conducted themselves in a manner to merit favor being shewn them; or from free persons,—but they are represented to be so ill-remunerated, that no person of any repute will take upon them the irksome duty unless driven to it by distress. The town of Sydney is divided into districts, a watch house is erected in each of them, and a day and night constable appointed: they are paid in the following manner. They receive rations from the store, cloathing or allowances of spirits; and in some instances, the labour of one or two men: who are also allowed rations which the constables take and leave them to shift for themselves. This is the general practice, but some masters leave the men their rations, and exact the payment of a certain sum per week.* This practice is justly considered one of the greatest evils of the colony, and must continue to be as it has all along been, the source of many of the crimes committed. "There is "another great evil which ought to be remedied, "as it brings many unfortunate man to the gallows. "Government employs a great many overseers,

* Fifty-six.

" constables, watchmen, &c. Instead of any pecu-
" niary remuneration, the government allows them
" one or more convict servants, victualled from the
" king's store. These convict servants given to
" overseers, are generally allowed by their masters
" to go where they please, and to employ them-
" selves in any manner they like, on condition of
" giving to their masters, their ration from the
" king's store; and in addition to this, a certain
" weekly sum in money—some 6s. others 10s. per
" week, and some more. Many of these servants
" are unable, and some are willing to earn their
" own provisions, and the sum of money weekly
" demanded from them. When these servants
" come to be pressed by hunger, or expose them-
" selves to the danger of punishment, for not ful-
" filling their engagements to their masters, they
" frequently run off into the woods, and live by
" plunder until they are apprehended, and not un-
" frequently for capital offences. I committed
" three such characters last week, and two of them
" were for capital crimes. Seldom a week passes
" but what some of these men are brought forward
" for serious crimes. This system is very injurious
" to the public welfare, and ought to be for ever
" abolished. I do not see why one prisoner should
" be a slave to another. If a man merit any re-
" muneration for his services, a better mode, more
" consistent with the principles of common justice
" and humanity might be suggested. This is a sys-
" tem pregnant with every moral evil;—as it is

" turning a body of idle, worthless characters at " large, in the settlement under no controul; for " as long as they can find the means to satisfy their " masters by theft, or otherwise, they may live in " any manner they like."*

The constables in all parts of the colony are nominated out of the same class, and paid in the same manner; the consequence is just what might have been expected—the constables are offenders themselves, and they possess neither character nor authority. Mr. Jones, speaking of the repeated attempts to escape, and the daring facility with which they are executed, says—that prior to a ship sailing, the chief constable goes on board to search, and sometimes a constable is sent on board to remain there—but with all their vigilance the men contrive to get away, *and in some instances the constables themselves have gone.*† The system of paying public service by convict labour is not confined to constables, &c.

Mr. Justice Bent informed the committee, that in the commissariat department convicts are employed as clerks, who have convict servants allowed them, and as a proof of how well the matter is now arranged he added that a person came to him and his brother, the late judge-advocate, and proposed *that if we would apply for a person to be taken off the stores, and take him as*

* Appendix—letter of Mr. Marsden.

† One hundred and forty-one.

*our servant and allow him to be on his own hands, he would make a set of harness for nothing.* This proposal to the principal law officers of the settlement, induced the committee to ask the witness, if it was generally understood that a similar indulgence would be rewarded in such a manner, and the answer was,—*I believe it was a common thing in the colony.** .

The punishments inflicted in New South Wales are of various kinds, viz.—death, transportation to the coal-river, hard labour in the gaol-gang, and flogging. The latest accounts laid before the committee, of the administration of the criminal law, are from the 2d of December, 1816, to the 31st of October, 1817, during that period ninety-five persons were brought to trial before the criminal court. From the manner in which the charges are set forth, it is not altogether clear how many of them were tried for capital offences, a great part in England would so have been, and would probably have received sentence of death—seventeen were, however, condemned; of these, four were for murder.—In this record there is no statement of how many suffered; but from looking over the account, for some years, no unreasonable severity appears to have been practised in this respect. The criminal offences seem, however, to be increasing even beyond the fair ratio of an augmenting population. The calendar of September Sessions of 1817 was

* One hundred and twenty-three.

peculiarly heavy—no less than eighty persons were for trial, of whom ten were for murder, and a large proportion of the remaining number for the most serious offences, such as house breaking, highway robbery, cattle stealing, &c· &c.

The principal secondary punishment in New South Wales, is transportation; and I believe, it is attended with effects, similar to those which follow the adoption of the same system in England, with however, this difference, that whereas the convict at home is transported from England to the Antipodes, the convict abroad is only sent a few miles from the scene of his home and his guilt: the spot selected in this colony to which convicts are banished, is called Newcastle and the coal-river, where they are employed from sun-rise to sun-set in hard labour, in the coal and lime works, or in cutting cedar for the use of government—but even this mode of punishment will soon cease, if it has not done so already, to be a safe mode of correction to the criminal—reformatory it has never been. There is no attempt made to improve, by moral or religious instruction, the wretched beings who are sent there. There is no clergyman, and I believe no church;* the prisoners sent there seem to be considered as men dead to all hope, and lost to all chance of amendment; they may be so, the lessons taught in the prisons at home, in the hulks, and

* Since this was written, and the evidence given, a church, I hear, has been built, and a clergyman nominated.

*in the colony, may have sunk their characters to* this state of apathy and moral debasement,—but in this place of torment, the young and the old; men and women; the novice and the hardened; the timid and the desperate—are all associated indiscriminately together. I conclude, my lord, you have never seen the gallies in France, or the presidii of Naples and Spain. I have visited them all, and there witnessed the state of wretchedness, crime, and despair, the natural consequences of these intermixtures of character and ages. Mr. Riley says, besides that, "transportation to the coal-river has become lately "very prejudicial to the colony; for the most de-"sperate characters have made their escape from "thence, and got round to the settlement on the "Hawkesbury. It is considered it will very shortly "become a totally ineffectual mode of secondary "punishment."*

The gaol-gangs are established in different districts—at Sydney, Paramatta, Windsor and Liverpool. The prisoners sentenced to them work at the dock-yards at heavy labour, in the repair of roads, and in such public works as the magistrates shall direct—they wear party coloured dresses, and are lodged at night in the gaols. By an order of the governor dated September, 1814, "the magis-"trates are directed to make quarterly returns of "all the punishments ordered by them on delin-"quents residing in their respective districts; and

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* Fifty-seven.

" he commanded, in the strongest manner, that " they should inflict corporal punishment as seldom " as possible, but to substitute in its stead, con- " finement in the stocks for petty crimes,—and " either solitary confinement or hard labour in the " gaol-gang, according to their judgment of the " classes of offence, still keeping in view the " general conduct and character of the delin- " quent."* These rules are, to my mind, most praise-worthy, and evince the laudable desire of Governor Macquarrie, not only to make himself acquainted with the moral condition of the people under his government, but also to impose some check on the power of the magistracy.—The gaol gang is composed of persons, who are either sent there for idleness, or for the commission of some petty crime.† They are confined in the gaol, and are compelled to work the whole of the day without being allowed any time to labour for themselves. The species of work in which they are employed, is described to be of the most troublesome kind, and the most repugnant to them—they are always under the eye of a particular overseer, and if of desperate habits, they labour in irons.‡ In respect to the corporal punishment of flogging—from the creditable exertions of the governor, it is to be hoped that barbarous, disgusting, and unpro-

* Four hundred and eight.

† Ten.

‡ Eleven.

fitable practice has been much discontinued. No evidence is, however, furnished of the number of lashes ordinarily given, or the amount of punishments of this nature within the year. With the exception of the free men, who were flogged by the public executioner, under the order of the governor, for a trespass, no free person seems to have suffered that degradation, except from the sentence of the criminal court; the convicts are, however, all liable to its infliction at the sole will and pleasure of each magistrate. Mr. Riley has known of one hundred lashes being given, but in a more lenient manner, according to the report of military officers, than the same punishment inflicted on our brave soldiery.* On a review then, of the whole system of police and discipline as administered in New South Wales,—the question to be discussed is, does it answer its end, is it salutary and corrective? or are its severities and inflictions productive of no reformation. In the first place, the whole amount of this punishment is by no means known; all that is precise and particular is confined to the indictments and sentences of the criminal court.—There is no return of the number of prisoners and others sent by the magistrates, or superintendant of police, to the coal river, which list must be enormous from the rapid increase of convicts at that place. It must also be remembered that this list is constantly changing, the same

* Eleven.

person seldom continuing there above two years, and the fair average should be under one year. It also appears that the floating criminal population transferred to this new penal settlement, thus constantly changing, amounted in 1817, to four hundred and fifty-one convicts out of five hundred and fifty-three persons, viz. three hundred and ninety-four men, forty-six women, and eleven children, whereas in 1816, it was only two hundred and forty-five men, forty-seven women, and twelve children. A state of society, I hope, not existing in any other part of the globe.

I would ask if, any where else, even in countries where the government are most indifferent to the morals of their subjects, there can be found a penal establishment; call it what you will, gallies, or hulks, or presidii, where care is not taken to provide moral and religious instruction for the criminals. After having passed their term of imprisonment, what must be the state of the men, the women, and children who return to their original home from this abode of misery and crime. Offenders of all descriptions are sent there; the criminals on whom sentence of death has been passed and remitted; those whose sentences extend to a term of years, from fourteen to one; those who are sentenced for shorter periods: in a word, convicts in a state of the deepest moral guilt, down to offenders against the public police, are assembled together—all treated alike; that is to say, all submitted to hard and painful labour—no pains taken to reclaim

—to correct—to reform. These are, then, the triumphs of our penal code on the other side of the globe. *This is the result of the expenditure of four* millions of money, and waste of life and comfort—of which we can form no correct estimate, but of which we may gain some notion from the published accounts of this colony. Is it then surprising that despair of all improvement should have arisen in the minds, of even the most zealous of philanthropists, and that Mr. Marsden should feel, that "no one possessed of the smallest spark of humanity, can enjoy one happy moment from the "beginning to the end of the week."* Any one who carefully examines the criminal returns which are published in the Appendix to the report of the committee, must observe the great augmentation of crime beyond its due ratio to the increased population. In the report of the House of Commons of 1812, a statement appears in evidence, that in the year ending August, 1807, one hundred and seventeen persons were arraigned before the criminal tribunal: If we were to content ourselves with contrasting this return with the one already referred to, as given for 1817, the most satisfactory conclusion must be drawn of the state of moral improvement which had taken place in the period of ten years: but this inference would be most fallacious. In 1807, all offenders of every description were brought before the criminal court;—at present

* Eighty-three.

hardly any one is tried there, except for the most serious crimes. To the list, then, of criminals in 1817, there must be added all those who have been sent to the coal-river by the magistracy or superintendant of police, and those also who labour in the gaol-gang. Thus, even upon the scanty data furnished, as to the number of these punishments, the conclusion to be drawn is, that crime has increased, and is increasing to a frightful extent. This is the true inference; and none would be more fallacious, than that which rested its foundation on the returns of the criminal court.

## THE MORAL CONDITION OF THE INHABITANTS.

There is, perhaps, no subject upon which it is so difficult to obtain a correct knowledge as this—even in the old, long-settled countries in Europe: as there is none in which first appearances are so often belied by farther examination. These difficulties are yet greater in a society so singularly constructed as that existing in New South Wales; where, from its very nature, the moral standard must be low—where nothing seems to be left to take its natural course—where the government is absolute and arbitrary—more than one-half of its population lately redeemed from penal bondage: and *so large a proportion of the remainder felon-convicts.* There are, however, circumstances in this assemblage of human-beings, fortunately for the world, peculiar to it. In the first place, out of 20,379 inhabitants,

(which the settlements of New South Wales and Vandieman's Land contained in 1817,) three thousand two hundred and thirty were felon-convicts, maintained at the expense of the government: of these three hundred and eighty-two were women; when, subtracting the children, to the number of four hundred and sixty-five, the males are in the proportion of seven to one. Of the persons who were not victualled, and who may be considered as free, either from never having been convicts, or from having been pardoned or emancipated, or worked out their time, there were seven thousand three hundred and eighty-six men, three thousand three hundred and eleven women, and three thousand and eighty-four children; the males being somewhat more than two to one. The remainder of the inhabitants, who are victualled, amount, in the civil department, to the number of one hundred and fifty-seven; in the military, to one thousand three hundred and fifty-eight; and of free persons, who for a certain period of time receive a certain allowance of food, &c. to one thousand nine hundred and forty-nine: so that above six thousand persons are, in this colony, maintained at the public expense. It would not be difficult to draw a just conclusion of what necessarily must be the condition of a settlement in which the proportion of the sexes is of this alarming inequality; where one-sixth of the inhabitants, at least, are felons, and

where, probably, more than *one half of the remainder have recently been in the same condition.* But the evidence before the committee is decisive upon that subject. The testimony of Mr. Riley is, to my mind, conclusive; temperate and cautious, as it is, and disposed, as he evidently appears to be, to view the condition of the colony in the most favourable light.

The settlement in New South Wales is composed of four principal towns or townships:—Sydney containing seven thousand one hundred and thirty-five souls; Paramatta, three thousand one hundred and twenty-four; Windsor, four thousand two hundred and fifty-seven; Liverpool, one thousand nine hundred and twenty-two; and, lastly, the coal-river and Newcastle, five hundred and fifty-three.

In Vandieman's Land, at Hobart Town, two thousand six hundred and fifty-five; and at Port Dalrymple, five hundred and sixty. In this ill-fated settlement there were five hundred and twelve male, and thirty-two females. I have refrained from entering into a minute examination of the returns published in the Appendix of the Report; but the convict population, on the full ration of government allowance, was, in 1817, at Sydney, six hundred and twenty men, one hundred and seventeen women, and five hundred children; at Paramatta, four hundred and eight men, one hundred and eighty-five women, and one hundred and

seven children; at Windsor, two hundred and seventy men, two women, and five children; at Liverpool, one hundred and seventy-nine men, and no women or children; at Newcastle, three hundred and ninety-four men, forty-six women, and eleven children. The more these returns are considered, the more satisfied every rational and thinking person must be of the evils which the disproportion of the sexes cannot fail to produce.

The constant influx of thousands of males annually imported into the colony, and the small addition of female convicts, will account for the corruption of manners which exists there, and preclude, till the system is changed, all chance of a better state of public morality.

According to Mr. Riley, the society in New South Wales is divided into four classes. 1st. The officers, naval and military, and private gentlemen who reside in *Sidney*, and who are, for the most part, engaged in mercantile pursuits.* 2d. A certain number of persons, of very creditable habits, who have come free from England, and have established themselves as tradesmen, or otherwise, in the towns. 3d. Many persons who are also householders and traders, who have been prisoners. 4th. Prisoners and free labourers. The first and second classes must, of necessity, be extremely

* Nineteen.

small; and, in all probability, possess nearly the same morals and manners as persons in a similar situation at home. It is upon the 3d and 4th classes, that the frame of society established here must operate, and upon whom this penal experiment has been made;—here it is, that we must look for the fruits, and learn if this scheme of convict colonization has answered or failed.

To begin with the convicts in the government service:—During the time they are so employed, supposing five hundred of them so engaged in the town of Sydney, Mr. Riley considers, that one hundred, or one-fifth of the whole, are unable to find extra labour, even if they were disposed to seek it, and have no means, besides robbery and plunder, to provide lodgings, or any other comforts.* This, then, is a contrivance to perpetuate crime. Of the thefts committed, by far the greatest part are done by prisoners in the service of government.† Those who are sent to the settlers, if suited to the purposes for which they are required, become better; but those who are otherwise employed, (the great proportion) remain unreformed.‡ On the arrival of a ship, the government select the most valuable convicts — such as carpenters, wheel-

* Ten—twenty-one.

† Fifteen.

‡ Thirteen.

wrights, bricklayers, masons—and retain them for their own employ.* These prisoners are the worst off in the colony; for the better they are—the more honest, sober, and industrious they become—the less likely are they to obtain that reward of good conduct, which is sought by all: viz. emancipation, or a ticket of leave, which enables them to work on their own account. Mr. Riley allows the instances to be rare; but he knows of one honest and industrious man, who had been so employed for fifteen years, who had often applied, without success, for emancipation.† Thus, then, as far as reward, and the hopes of it, are inducements to good conduct, the convict in the employ of government is not only less likely to obtain any remission of his sentence, but is condemned to hard labour in the company and society of that vile and infamous class of felons who work in the gaol-gang.‡ The prisoner, too, is perfectly aware of the disadvantages under which industry and mechanical skill labour; for a practice prevails among them to conceal their acquirements and disavow their knowledge, and they are instructed so to do by the thieves, who, being transported there for a second time, are alive to the mischievous absurdities of the system.§ Those who can obtain employment may earn from ten to fifteen shillings

* Twelve.
† Twelve.
‡ Twenty-three.
§ Fourteen.

per week.* The best portion of the convicts being selected by the government, the remainder are dispersed among the settlers; the idle, ignorant, and worthless, the London and town thieves, and pick-pockets are distributed through the colony as domestic and farming servants.† The unfortunate settler is compelled to take them, and is besides not only to cloath them in the same proportion, that the prisoners are clothed in the employ of government, but also to give them 10l. per annum for their extra labour;‡ so that by this system the idle and useless are as well or better paid than the honest and industrious. Though it be true, that the discipline of a domestic family has produced some reformation,§ and particularly among those whose fortunate lot it is to be settled on farms, with respectable persons in the country, yet these are prizes in the lottery of life which fall to the share of few, the greater number of settlers who want servants, have distributed among them, those who are worse than useless, all petitions and complaints are considered as offences against the authority and discretion of the governor, and the unfortunate colonist applying to the superintendent for a domestic and agricultural servant receives in satisfaction of his request an idle and useless thief. Mr. Riley says that if the prisoners are suited to

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* Twenty-three.
† Twenty-one.
‡ Fourteen.
§ Thirteen.

the wants of the settlers, the chance of reform is favourable; but when persons, such as above described, are sent as domestic servants, they earn little wages—they endeavour to run away from their masters, and after having committed all sorts of offences are frequently returned to the government gang.* In the early stages of society here from the scarcity of labour, every man was desirable who had common strength; but that is not the case now. Men are only valuable to the settler who possess the power of rendering themselves useful on a farm. The worst convicts are said to be from the London gaols,† no doubt from the vices of idleness and profligacy, in which they are trained from their birth, in such a capital as London; as well as from the deplorable management of these receptacles of misery and guilt. Those fortunate convicts, however, who had been settled as domestic servants in a country family for some years, are stated, in point of morals and conduct, to be pretty much in a class with the labourer in the mother country.‡ But there is a custom prevalent among persons of property that of itself speaks volumes, as to the opinion generally entertained of the domestic servants; *they do not sleep under the roofs of their masters.* "I never," said Mr. Riley, "had a man servant sleep under my roof. I should

* Thirteen. † Thirteen. ‡ Twenty-two.

" not have thought my property safe if the servants " had slept under the same roof:—it would have " been an improper source of temptation."* He was asked by the committee, if that was the prevailing practice throughout the colony, and his answer was, " Yes; with every person both in town " and country who could afford to build a separate " room." Mr. Chief Justice Bent declared the public morals of the convicts to be at a very low rate; he and his brother, the Judge-Advocate, had four or five of them as domestic servants; he did not believe any reformation had been worked in them, transportation had been a punishment for former offences, but as to a change in their character, none had been effected; they behaved well, and were trusted by him, but since his departure he believes they have been all sent to the coal-river. He considers this to be true of the domestic servants at Sydney, but he allows, that in the country they have the best chance of being reformed.† Mr. Jones, the partner of Mr. Riley, who had constantly resided in the colony for nine years, informed the committee, that the general character of the servants in the colony was very bad; that he scarcely knew a settler who did not make great and constant complaints against his servants for bad conduct and insubordination; he saw no difference

* Twenty-two. † One hundred and twenty two—three.

between town and country, all were bad, and considerable insecurity was felt both as to person and property, he believed, however, the colony to be improved in morals, as far as the rising generation was concerned, though not so in those sent: many of the persons transported years ago have become respectable people, and are taking great pains with their families; but the *convicts sent out now, do not improve at all.** Since this evidence was given in the last session of parliament, information of the most alarming nature has been received from the colony, upon this important subject;—a deterioration of morals has taken place to such an extent as to alarm the most confident, and dispirit the most zealous. From the influx of so many thousand of convicts, within the last three years, all hope of improvement has ceased, and the colonist is in a state of constant anxiety both for the safety of his person, no less than his property. A measure, however, has been adopted which is said already to have been attended with good effects. The barracks for the male convicts have been furnished and occupied; the immediate result has been a diminution of the number of thefts and other offences, but the worst spirit of insubordination still exists, and the convicts are beginning to feel their own superiority in number and force. The construction of this barrack is good, if care be

* One hundred and thirty-eight.

taken to place its inmates under a strict and wholesome discipline; but if, on the contrary, nothing of this kind is done, never will there be an experiment more fatal to the peace and prosperity of the colony. If this barrack is to be another Newgate, there is an end of all hope of reform. The mere fact of five hundred men being placed together in one building is, of itself, alarming; and unless they are subjected to a rigid course of moral and religious treatment, the consequences are certain. Besides, large as is this building, I doubt its sufficiency for the thousands of convicts now annually sent out—the effective demand for their labour must be so reduced as to throw a greater number than even this barrack can hold, upon the hands of government, who be, besides, lodged somewhere, as well as maintained, at an enormous expense. I view this part of the subject with great anxiety, as not only the moral improvement, but the lives and properties of the whole colony depend upon the success of this new arrangement. In respect to the women convicts, the letter of Mr. Marsden, which I printed last year, and which is now on the minutes of the committee, is confirmed in every particular by Mr. Riley, who adds, that of the women who go out, great numbers quit the service of their masters, and subsist by prostitution; considerable unwillingness exists among them to be taken as servants, at least among those who have been prostitutes (the case

of almost all of them,) because they consider that by going into a family they will be controuled, and if they conduct themselves ill, their employers can complain to the magistrate, who will order them into the factory, and if more flagrantly than usual, to Newcastle.* Great difficulty exists in apportioning the punishment on these occasions, and when the women do not improve on their arrival, they become much worse than the men. The women servants receive from their masters 7l. a year for extra labour, independent of their cloathing, &c. The latest accounts from New South Wales announce the commencement of a female barrack—it is, indeed, high time to complete this work; for the condition and treatment of the female convicts, for the last twenty years, call for the reprobation of all men who set any value on the morals and happiness of their fellow-creatures. Great praise is, however, due to Governor Macquarrie, for the checks he has attempted to impose upon the facilities heretofore furnished to the obtaining of women from the convict ships—no person being allowed to go on board them, or even in the factory, without special permission.†

The regulations concerning the women servants, according to Mr. Riley, do not seem to have answered the humane expectations of the governor‡—

* Twenty-three. † Twenty-four. ‡ Twenty-four. § Seventy-one.

nor as long as such a disproportion exists between the two sexes, is it possible to prevent the system of general prostitution? Abuses still remain in the manner in which the female convicts are disposed of—the difficulty of correction is almost insurmountable, when the class of persons is considered, from which are selected the subordinate official servants, such as constables, overseers, superintendants, &c. It is a matter of wonder to find any controul, and great allowance is to be made for occasional abuses.

Governor Macquarrie, in a very proper and sensible letter to Mr. Marsden, dated the 2d of July, 1815, admits the evils of the system, and the enormities which must result from them—he says, that in the year 1812, he wrote home to his Majesty's Ministers, soliciting their permission to have barracks of this description erected immediately. "I "have not yet, however (he says) been honoured "with any answer from them upon this important "subject."* Here, then, the blame rests solely upon the colonial office, and I know not what defence can be made for such criminal neglect. The great expense will of course be urged; but this was a work of primary importance, and government houses, and even churches, were not of the same immediate necessity as a place where the helpless female, transported from her family and home, might shelter her

* Eighty-one.

head. The truth is, in this colony as elsewhere, ostentation in public works has been more considered than utility, and the vital interests of the settlement have been neglected for idle and empty show. I beseech you, my lord, to lose not an hour in quickening the completion of this home for the unfortunate female convicts; and though the miseries and crimes which have been occasioned by the want of it, are now irreparable—yet at least the future is in your power, and some compensation may be made for past negligence.

There is, besides, in this colony, a great deficiency of ministers of the gospel. Some difficulties are stated to be found in providing persons to fill that important office; it is, however, one of paramount importance, and every encouragement should be given to persons who go out there on religious missions, even though their tenets and doctrines are not those of the church of England. Surely the Missionary Society might turn their attention to this quarter of the world, and their labours in New South Wales would be attended with as much success at least as follows their unremitting exertions among the black population of India. Their criminal countrymen have a claim upon their zeal and enterprize, and in the scattered state of the population of the colony, it is impossible for the regular clergyman to supply the wants of those under his charge. It appears that on the 15th Dec. 1817, there

were only six chaplains in the whole colony, and that the labours of the clergyman at Sydney were peculiarly arduous; he performs three services on the Sabbath day.* But the use of those missionaries of our religion, would be to create *a religious sentiment* in the colony, which unhappily does not at present exist. It is to this point that I wish to draw the attention of the society to which I have referred, whose endeavours we daily witness, to draw forth from the human heart (if I may use the term) the natural feelings of religion, and to beseech them to extend their charitable aid to the most forlorn and desolate portion of the human race. Out of seven thousand inhabitants in Sydney, only about fifteen hundred attend divine service; of three thousand inhabitants of Paramatta, only about four hundred; and at Windsor, Richmond, and Liverpool, though the places of worship are well attended by prisoners (all this class of persons by compulsion;) yet many do not or cannot attend, and yet need instruction, which it is not in the power of a stated minister to give, however anxious he may be to do so.† It is curious to remark here, as a proof of the weakness of religious feeling throughout the settlement, that there are not in all the colony above four hundred women, who attend divine worship, out of near four thousand mustered. A neglect more remarkably decisive upon this question, when it is consi-

* Eighteen. † Eighteen.

dered how different is the practice of that sex in all other parts of the Christian world. Another evil, also, upon this subject requires an immediate remedy—and that is, there being no Catholic minister, and no Catholic worship—hundreds, nay, thousands of Irish Catholics have been sent out to this colony. By compulsion the convicts only are made to attend the English church—when they cease to be convicts, they cease to attend; and it is in evidence,* that the women for the most part live with the men in a state of concubinage, there being no priest to perform the marriage ceremony according to the ritual of the Catholic religion; their children too remain unbaptized, and all knowledge of religion of any sort must be altogether extinguished. A Catholic priest volunteered his services out there some years back, and the sensation his arrival occasioned, and the effect produced by the public celebration of mass, ought to fix the attention of government upon this subject. I believe he was not a fit person for the office. I know that those of his persuasion at home did not consider him to be so; but his committal to gaol, and his being sent a prisoner by force out of the settlement, were acts contrary to law. The governor possesses no legal power† of himself to expel any free man from the

* Twenty-two.

† By the common law an Englishman has the power to go to any settlement belonging to the British crown, and he can-

colony, and in this instance he ran no small risk of exciting disturbances among a class of persons the most easy to lead, but the most difficult and stubborn to drive. I hope no time will be lost in re-placing this priest, with others more qualified for the sacred office. Peace and morality, with twenty sects of religion, are better than discord and vice, with none. It is the duty of the King's government to provide for the spiritual wants of those classes of its subjects, whom it banishes from their native country. Upon the want of spiritual aid of all description, Mr. Marsden writes, "The colony is much "distressed for clergymen, but I have ceased to "write for any more. I cannot recommend any "man to come into such a society, to be exposed "to such insults and distresses. The settlement at "Port Dalrymple has now been established, I think, "twelve or fourteen years, and no clergyman to "this day. It is not to be wondered at, that so

not be removed from thence by the authority of the government. This point was agreed and settled in the case of Mostyn and Fabrigas, vide State Trials—but as far as New South Wales is concerned, no doubt can be entertained after the passing of the act of the 53d Geo. III. c. 155, s. 39—"That it shall be "lawful for any subject of his Majesty to proceed to and reside "at any place situate more to the southward than 11° of south "latitude, or more to the westward than 64°, or more to the "eastward than 150° of east longitude from London, for any "lawful purposes, *without any licence whatever.*"

"many horrid murders and robberies have been "committed in that colony, as the people are left "without any moral instruction whatever. Though "this is the case, I cannot make up my mind to "write for more clergymen. Two of my colleagues "wish to leave the colony at present; whether "they will or not, I cannot tell. If they can obtain "the means for leaving the colony, I think they "will. They have exprest their intentions to me.

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## V.—Population and State of the Colony.

I have already noticed the alarming disproportion of males to females in the colony, and from the rapid importation of male convicts, the evil is continually increasing. It appears that from 1787, to 1818, no less than 16,057 convicts had been transported to New South Wales, viz:—13,070 males, and 2987 females. The population in 1810, when Governor Macquarrie arrived, amounted to 10,452, it cannot, at this moment, be much less than 30,000, so that the number of its inhabitants have tripled in the short period of ten years. This enormous augmentation has arisen from the number of convicts who have been transported.—From 1810, to

1814, 1685 convicts were sent out—in the last four years 8263, being more than half of the whole number during the twenty-six years preceding; and, if I am rightly informed, no less than 1016 have left this country during the current year, up to March the 7th. This ought to alarm every one who values the peace, no less than the prosperity of the settlement. What is to become of this multitude of male and female convicts, (setting the cost of the voyage out of the question) on their arrival in New Holland? Mr. Riley says, the number of persons recently sent out, will materially retard the improvement of the convicts already there, and that it will break down every moral barrier which the free colonist can oppose to them.* Free colonists with capital, are wanted in the colony, and not convict labour.—In 1817 the evil of this redundancy began to be felt, and the surplus beyond the demand was so great, that, even in Sydney, no work could be obtained for the greater number when unemployed by government. This necessarily operated against the free labourer, and deprived him of his fair reward. But the evil does not rest here—things are not suffered to take their natural course—the governor settles the price of all labour, so that the already impoverished settler is compelled to pay a great price for an article with which the market is

* Fourteen.

glutted. To remedy the evil, which from the surplusage of hands, without the means of employing them, the government feels, tickets of leave have been issued, not according to the equitable rules laid down by the governor, as a guide for his own conduct, but to an extent, and with a latitude, which to say the least of it, has produced no salutary effect; the result, on the contrary, has been discontent among those whose long good conduct had, in some degree, entitled them to that indulgence, and the most licentious and irregular conduct on the part of those to whom this unmerited favor had been bestowed. What then is to be done? Every year hundreds of persons are sent out totally unfit for manual labour:* Young men for bank offences, who had been brought up as clerks, or assistants in shops, well educated, and of decent manners, arrive by every ship in New South Wales, they are useless as artisans—unprofitable as common labourers, not earning the bread that maintains them—all the offices are occupied which that class used to fill;—in order therefore to relieve the government from maintaining them in idleness, tickets of leave are given, in the hope, more than in the belief, that they will be able to maintain themselves; and the result is, that those persons not generally of depraved and licentious habits, speedily adopt those habits.

* Seventy-seven.

Punishment works no reform, and the same course of fraud, a thousand times aggravated, is pursued, which led to their original transportation. All the witnesses examined before the committee, speak of abuses in the granting of tickets of leave and emancipations; and instances have been adduced of thieves of notorious infamy, transported for the second time, who enjoyed them upon their landing in the colony.* The inevitable consequence of the present system, is, to crowd the colony with hundreds of the useless, idle, and profligate, or to make them so; and its tendency is not only to drive every man of common honesty from the territory,—but, by the little reward and countenance which merit receives, to deter persons who might wish to leave home, from selecting this settlement as the place of their emigration. It ought never to be forgotten, that the country does not require thieves, nor pick-pockets, nor clerks from merchant's houses, nor the dissolute licentious youth of great cities; but husbandmen and artisans—men inured to daily labour, who eat their bread by the sweat of their brow, and whose lives of toil is cheered by the hope that they are raising up an inheritance for their children. The augmentation of a population in the strength and vigour of manhood, without the means of employment, can do no less than import into the

* Sixty-nine, seventy.

colony the vices and crimes of the persons which had disqualified them from remaining in their own country. As long as in America the bad population could be absorbed into the good, and mingled into the common mass of the sober, discreet, and well conducted inhabitants of that country, the exportation of felons relieved the parent state from the burthen of their crimes—furnished labour where it was the most wanted, and through the operation of industrious habits and moral example, took security for the reformation of the criminals so expatriated; but in New South Wales, the colonists of the above character are few—a large proportion of the settlers have been convicts themselves—punished by banishment, but not reformed by their sufferings and privations. Labour, so far from being wanted, is a drug in the market. The primary want is capital to employ it; and while the system, so long as it proceeds in its ordinary course, constantly increases that, of which there is a superfluity, viz. labour; and diminishes that of which there is a scarcity, viz. capital; and along with it, character and credit. By the enormous importation of 6200 felons in two years and three months, the convict population is now tripled since 1817; at which time, every witness examined before the committee, allowed it to be already too large to be properly maintained, putting entirely out of view all chance of reformation and moral improvement whatever. To be sure, it may be urged,

the mother-country seems to gain something by this system of forced emigration. She disburthens herself of a large portion of her criminal population, and at a time when her own distresses, and the consequent want of work, and food, for her inhabitants, constitute the chief cause of this very depravity which is so punished. But these people are to be maintained somewhere, and as the cost of their transportation is to be added to that of their maintenance, I have no doubt this is a very extravagant mode of proceeding. And this is not all,—a responsibility, of no ordinary character attaches, to a government which sends from their homes between 2 and 3000 persons annually, in the prime of life and manhood, to a country where there is no labour to employ them, and where they must continue both poor and criminal. Besides, in reference to the state of the colony, this is an object of primary importance.—At its first establishment, and for a succession of years, the number of transported felons was scarcely more than could be employed by the sound part of the community, which consisted of the civil and military establishments, and a few independent settlers, who were attracted there by the natural advantages of the settlements. But of late, the hosts of culprits who arrive, month after month, with an undue proportion of free settlers, not only *set at defiance the force of opinion and example, but actually endanger the very existence of the colony.*

It would surely be wisdom in government, to direct its measures, as well with a view to future, as to present expedience. An after generation who shall have imbibed, with an insufficient admixture of correct principles, the perverse sentiments of their forefathers, will constitute a society most adverse to the welfare of this country. And even, supposing that it is determined to view the colony of New South Wales merely as a place of reform, it is evident that the object will fail, if the convict people are to accumulate in such numbers, and arrive at such influence as to give the tone and temper to the society. The parent country has ample means of counter-acting this evil tendency, and the season for their application appears to be the present, when the community is yet too much in its infancy to have assumed a precise character. The plain and effectual remedy undoubtedly, is to encourage the emigration of respectable farmers, and capitalists; and to diminish the number of persons sent, by selecting the convicts from those classes of crime to which death is sentenced, but generally remitted; and those long terms of punishment, which, in ordinary cases, would preclude the chance of return:—nence the number transported would be no more than the demand for their labour could employ; and a better chance would be afforded them by regular employment in agricultural labours, of entering into those courses of honest industry, which either

might never have been known to them, or from which they had been seduced. I have thus shortly stated the amount, as well as the natural consequences, both moral and political, of this enormous exportation of convicts to New South Wales. There is another view of the subject which, to my mind, is most interesting, and tolerably decisive as to the real state of the colonial morals:—it is a table of births and marriages which was laid before the committee, and which has not been printed in the report; it is as follows:—

| Years. | Marriages. | Births. | Deaths. |
|---|---|---|---|
| 1811 | 143 | 313 | 217 |
| 1812 | 139 | 320 | 169 |
| 1813 | 104 | 256 | 131 |
| 1814 | 136 | 278 | 177 |
| 1815 | 182 | 315 | 202 |
| 1816 | 188 | 301 | 202 |
| 1817 | 98 | 209 | 139 |

I wish, then, to draw your attention to a comparison between the results of this return, and the amount of population at given periods;—take, for example, 1812 and 1816.

In 1812, the gross population was 10,521, according to the returns in my possession, and which were laid before the committee. In 1816, the population had increased to 15,175, at both periods it consisted of the following persons, viz—

| | Free Persons Victualled. | | | | Prisoners. | | | | Person not Victualled. | | | | Military Civil and Commissioned Department. | Grand Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Men. | Women. | Children. | Total. | Men. | Women. | Children. | Total. | Men. | Women. | Children. | Total. | | |
| 1812 | 210 | 150 | 207 | 567 | 1249 | 263 | 193 | 1705 | 2651 | 1621 | 2073 | 6345 | 1904 | 10521 |
| 1816 | 463 | 186 | 291 | 940 | 1532 | 282 | 170 | 1984 | 5495 | 2392 | 3208 | 11095 | 1156 | 15175 |



By the preceeding table, it appears that there were in

| | 1812 | 1816 |
|---|---|---|
| Marriages | 139 | 188 |
| Births | 320 | 301 |
| Deaths | 169 | 202 |

And thus we find, that while the population had increased one-third, the number of births had fallen from 320 to 301. What, then, occasioned this remarkable occurrence?—surely nothing else but the increased disproportion of males to females—the consequently increased irregularity of the married women, and infertility of the marriages. You will observe besides, the augmentation in one year, of the number of persons who were not victualled by the government, in 1816, they amounted to 5496 —in 1817, 7386, being an increase of 1891 males, and 1000 females. This augmentation can only be explained in three different ways:—1st, By the arrival of new free settlers, but it is in evidence that of late years, few have arrived in the colony—2nd, By persons who were on the stores during the preceding six months, and who, by the rules of the colony, lost that advantage after a certain term; this number was 940, viz. 463 men, 186 women, and 291 children; there then remains 1951 persons to be accounted for. What then was the cause of this sudden change? I believe it to have been occasioned by the immense number of tickets of leave, issued to all who held out even a hope of being able to support themselves. This may be a plan of œconomy, but if persevered in, will be fatal to the morals and peace of the colony.

## VI. Condition of the Settlement.

All accounts concur that it has been for some years in a state of considerable embarrassment; the small settlers not possessed of sufficient capital have been in great distress, and have mortgaged or disposed of their lands, the causes have been the want of a sufficient market in the colony, to take off their surplus produce, as well as the want of an export trade, by which a demand for that produce might be created abroad. English goods have been sold at Sydney at enormous profits, and at long credits; the merchants have taken mortgages as securities for the debts of the smaller settlers. Thus they have gradually become great landholders, and the small settlers have been ground down to a state of poverty. The absurd regulations by which the trade of the colony has been fettered, the restriction upon vessels under three hundred and fifty tons (now repealed) the oil duties, &c. have all contributed to this end. Settlers, however, from England with capital, have succeeded.

The attention of the colonists has been of late, more drawn to the breed of cattle, than to the growth of corn. Mr. Riley, the principal merchant of the colony, states distinctly, that he knows the circumstances of the settler to be not so good

as they were,* and he gives as a reason, the importation of corn from India, a practice carried on to great extent by Governor Macquarrie, and the consequent want of market to the settler for his produce, except at a price which does not remunerate him for the cost of cultivation. A fall, too, has taken place in the price of meat, which has been also highly injurious. The governor fixes the price at which he will take it into the store,† and permit the different settlers to supply it—the proportions being settled by himself and the commissary. Of the whole consumption in the colony, the government takes one-third. The advantage to the settler, by this arrangement is stated to be the sale of a quantity at once, and his receiving in the way of payment, a bill drawn on his majesty's treasury, which is more easily negociable than any other. The price of meat throughout the colony is more or less regulated by this system, and when the government gave six-pence, the inhabitants paid nine-pence or one shilling. The great fall from nine-pence to five-pence, which price it is at present, was a severe blow to the colonist to whom government had sold cattle at a heavy price, though giving a long credit, and many were compelled to

* Thirty-one.

† Thirty-two.

pay their debts for cattle purchased at £28 a-head, which could not be sold in the market for more than £10.*

Mr. Riley in 1808, in junction with another gentleman, had a quantity of cattle which were valued at 38l. a-head, and in 1814, he was glad to dispose of his whole herd at 8l. and give two years credit. The injustice of the demand on the part of government is manifest, as it fixed the price, and this sudden depreciation of cattle to the amount of two hundred per cent. must have been greatly injurious to the colony. Independent of a government stock of cattle, which are now no longer wanted, and ought to be disposed of—there are great herds containing some thousands of wild cattle, in a rich district, called the Cow Pasture Plains, on the western side of the Nepean River:—they are said to have arisen from five head that originally strayed from the private herd of Governor Philip,† a short period after the first establishment of the colony. Their existence is considered to be a great evil,‡ first, because the spot where they are is one of the most extensive and fertile in the colony, and secondly, as holding out an inducement to convicts to abscond, who have thus

* Thirty-one.

† Thirty-five.

‡ Ditto.

the means of supporting themselves contiguous to the herds, by killing the calves, &c. By one of the colonial regulations, this offence is made capital*—it is a crime of common occurrence, and there is hardly an assize without several persons being convicted. In 1816, four persons were tried, and three condemned for this crime; it is not stated whether the sentence was put in force, but in 1812, one person was executed for stealing six cows, the property of the crown. I conclude they did not form a part of the herd above mentioned; for if they did, an awful responsibility attaches to the governor who carried his own ordinance into execution upon very doubtful law. There could be no legal proof of property established in these wild cattle, the original stock having escaped from private persons, and the herd had not only grown up in a wild state out of the five head above mentioned, but had received addition from stray cattle from that period to the present.

I should be glad to learn upon what law the four persons were tried in 1816, three of whom were capitally convicted of stealing "one bull in the Cow Pastures, the property of our sovereign lord "the king."†

I do not think, whatever the court martial, called

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* Thirty-five.

† Five hundred and twenty-six.

a court of criminal justice in New South Wales, may decide upon this subject, there can be found a lawyer in the kingdom who will maintain there is a sufficient property vested in the crown, in these wild cattle, to warrant the indictment and the conviction.

It is curious to observe the rapid increase of stock in this colony, since its plantation. In 1791, it consisted of one horse, one mare, two colts; sixteen cows, two calves, one ram, fifty ewes, six lambs; one boar, fourteen sows, twenty-two pigs: In 1818, of three thousand six hundred horses; fifty-five thousand four hundred and fifty horned cattle; two hundred and one thousand, two hundred and forty sheep; and twenty-two thousand six hundred hogs. *Mr. Riley is of opinion, it is necessary for the government, in the present state of the colony, still to give a larger price for the cattle consumed in its stores, than they would fetch in an open market. I cannot, however, concur in this opinion; and I have less scruple in differing with him, for he adds that, many persons in the colony do not agree with him in this respect. It surely would be advisable for the government to supply itself with all commodities at an open tender; and the effect of this system, by the supposed engrossing of all trade and

* Thirty-two.

commerce, by the monied men would be not more injurious to the colonist, than a similar practice at home is to the mother-country. The question will at all times resolve itself into this—Is it for the interests of the whole colony, the general consumer, that the price of cattle should be kept up for the profit of the owner of that commodity? Formerly, when the object was to prevent the consumption of cattle, for the purpose of increasing their numbers, these impediments to a free trade were perhaps salutary: at present, the supply is equal, if not greatly superior, to the demand; and there seems no reason why the holder of large herds of sheep and bullocks should be paid a higher price than an open competition in the market will bring, more than any of the dealers in coffee and sugar, and other articles of colonial produce.*

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There is a tax levied, which, unless it is kept up as a monument of a vexatious spirit of interference, ought to be done away with. It is the demand of half-a-crown a head on all cattle that are killed. The butchers are compelled to give notice before they slaughter. This sum is paid to the person who sees the beast before it is killed; and the object is, to prevent improper persons from killing them. No one can slaughter his own bullock, unless he has a licence. All this, in such a society, may be very well, as far as the public butcher is concerned; but it affects private individuals, independent of its illegality. In the distant part of the settlement, I cannot conceive any regulation more troublesome and vexatious. The

The distress occasioned by the regulations adopted in 1813, for the importation of corn is yet most sensibly felt in the colony. There had been an abundant harvest and corn could have been purchased in the market at three shillings and six pence per bushel, government refused to open the store, and become a purchaser, and the settlers became so dispirited, that many instances occurred of their turning the pigs and horses to feed in their stack yards. In the month of March in that year, wheat was sold at six shillings and three pence currency, which in its then depreciation was not worth more than three shillings and six pence, maize at five shillings and sixpence currency, or three shillings sterling. In August of the same year the government was obliged to give fifteen shillings a bushel, and on the 14th of that month, an order appeared in the gazette, censuring the colonists for their imprudence, but the general feeling of the colony was, that though in some instances they merited rebuke: the generality of them, on the contrary deserved commiseration.* When the government wishes to purchase a notification is generally made by the commissary, that he has been ordered to receive grain at certain

proceeds of this tax must be considerable. They are received at Sydney, by the assistant to the police magistrate.*

* Seventy-one, seventy-two.

periods. This notice is ordinarily given some days before the opening of the stores—but it frequently happens that the settler comes from the interior (from the Hawkesbury, the great corn district) finds the stores shut, and is compelled to dispose of his corn at almost any price. There is no regular time fixed for the opening the stores, which are opened and closed just as the governor thinks fit to direct. This system is liable to great abuse, and it enables one who is so disposed, to benefit his own and any other persons interests at the expense of the settler, it places him besides greatly in the power of persons resident in Sydney, whose communication with the government agent gives them the opportunity of learning when the stores are to be opened or closed.

The evils of this system may not only be well exemplified by what took place in 1813, but also by what occurred more recently. In 1817, the governor closed the stores till the 1st of March, and then opened them but for one day in the week; the harvest is so early in New South Wales, that the settler would be able to begin supplying in the middle of January. Previous to the 1st of March, the earliest day fixed, a most disastrous flood took place, ruined the cultivation of the Hawkesbury and Nepean districts; and the greatest distress was experienced in the colony, from the consequent scarcity. In February, wheat was selling at seven shillings, and maize at two shillings and six pence

in the market; it was in consequence of the stores not being opened, that the growers were compelled to sell at this low rate; but in October of the same year the average price of wheat rose to twenty-five shillings sterling per bushel, and maize to twenty shillings. The scarcity would have amounted to a famine if twenty thousand bushels had not been imported from Vandieman's Land, and even after this importation, corn continued long at the above high price, government took the corn, from Vandieman's Land at ten shillings a bushel, while the general consumer paid in the market from twenty to twenty-five shillings. The imprudence of the order and the evil of the whole system are evident when it is considered that February is one of the months in which the rivers are in flood, and the greater part of the colonists have no granaries and possess no means of placing their crop out of the reach of the waters, unless it is taken into the store.* Mr. Jones upon this subject says, that some favoritism may be considered as being shewn; and that while in 1812 the settler could not get any corn taken into the store, a large quantity of Mr. Thompson's to the amount of between three and four thousand

* The most valuable part of the colony has hitherto been the alluvial land on the banks of the Hawkesbury river—it lets from 1 to 3l. per acre—the loss of the settlers cannot be estimated at less than 50,000l.

bushels was received, a proceeding the more impolitic, because Mr. Thompson had lately died, devising a fourth of his property to the governor. This whole subject requires regulation; it should not be in the power of the governor to open and shut the stores at his own will and pleasure; he should receive corn by an open and public tender, the effect of which regulation would be that monied men would embark their property in the purchase of it, granaries would be constructed and prices would become uniform and regular, the fertility of one year remedying the scarcity of the preceding, nor would the settler fear any foreign importation. It appears from calculations furnished by Mr. Riley, from the information of his brother, who had been long resident in Bengal, that wheat could not be imported into Sydney at a less price than from nine shillings, to nine shillings and two pence per bushel. The colony, for the last five years, three of them being years of plenty, and two of scarcity, has been with maize able to supply itself; and with the assistance of Vandieman's Land, from which settlement no less than twenty thousand bushels were imported in one year, no doubt can now arise that plenty of bread-corn can be produced in New South Wales, besides, if there be a failure in the wheat crops, maize, though not so good, is a very wholesome food, and many hundred of thousands of people in different quarters of the world subsist upon nothing else.

The consumption of corn by the government is taken to be about one third of the whole; allowing then twelve bushels for each full ration, and six thousand individuals to be thus victualled in 1817,* seventy-two thousand bushels were required in the public stores; I have no doubt if a new system was established, or more properly *if things were let alone*, the government coming into the market to buy like every individual in the country, and if a free distillation of spirits allowed, the result would be a steady supply of corn, and these alternations of glut and scarcity would soon cease to occur. They are the natural consequences of interference and regulation, and would be produced in England, if its corn trade were tampered with in like manner. If the agriculture in New South Wales have been injured by the regulating spirit of its government, the trade of the colony has equally suffered from the same cause. Of late years, however, the monopoly system has gradually given way, and the commerce is now free to the competition of all who choose to engage in it. It has been for some time with few exceptions, principally one of import; its proceedings being vested in government bills which are negociable every where.

The trade of import consists of goods from China,

* Thirty-eight,

India and Europe, from the first, tea, nankeens, silks, &c. &c. from Bengal sugars, and piece goods of various descriptions; from Europe, wines, porter, and large quantities of British manufacture. These importations are solely for home consumption. There was formerly a profitable fishery trade carried on, which even now might be pushed with much success, if it were not for the duties levied in England, no less than in New South Wales.* Before the year 1810 the exportation of oil from New South Wales, varied from three hundred to five hundred tons annually, and considerable sums were expended in the colony, in building vessels and warehouses, and in other works connected with the whale fisheries. These undertakings gave employment to many individuals, and the profits of the trade operated as a strong incitement to industry and enterprise. Since that period, the various duties imposed on the exportation of oil from the colony, have completely checked these fisheries, and they are now prosecuted only for the purposes of domestic supply. At present the duties levied in England are 24l. 18. 9d. per ton on sperm oil, 8l. 6s. 3d. on black; 5l. 10s. 10d. on blubber, whilst for Bahama, the Bermudas, the gulph of St. Lawrence, or any

* Thirty-nine.

British colony or plantation, in North America they amount to only 1l. on sperm, 1l. on black oil, and 13s. 4d. on blubber in favor of Newfoundland, even those duties are wholly suspended until July 1824. The custom house returns will prove that the effects of these duties has been nearly prohibitory upon the exportation of oil from New South Wales; and it is asserted by those who have resided in the colony during the last ten years, that the whole quantity exported in that period has not exceeded two hundred and fifty tons of black, and thirty of sperm oil, being considerably less than the amount of the former annual export of these articles. Some months backs eighty tons of black oil were brought home in the Surrey, under a notion that the duties would be allowed by parliament, and although the gross value of this investment will be less than 2200l. the duties will amount to 665l. In addition to this tax at home, which amounts to a prohibition, Governor Macquarrie has levied an impost of 2l. 10s. a ton, on all oil imported into New South Wales. Along the eastern coast of New Holland and New Zealand, the sperm and black whale are, in particular seasons, found in great numbers; but even in their own harbours, the inhabitants are by the present duties prevented from collecting oil for the only market now open to them, and they see annually the riches of the surrounding seas car-

ried off by strangers, with whom they have no intercourse and from whom they derive no benefit.

A small trade is carried on to the eastward with the Fegee and Marquesas Islands, for the purpose of supplying China with sandal wood, but the value of this traffic is much reduced, as the Americans have overstocked the market of Canton with that commodity.*

The infant commerce of the settlement is cramped by the heretofore illegal and at all times impolitic system of taxation, first began under Governor Macquarrie. There is a tax of 5l. per cent, ad valorem on all articles of produce imported eastward of the Cape. There is also a duty upon timber, no light wood except cedar, which is dear and scarce, grows in the settlement. The pine from New Zealand is therefore imported which carries a duty of a 1d. a superficial foot.† Coals too are also taxed. Besides these various impositions, the port regulations are vexatious and troublesome, and all vessels which enter the harbour pay 6d. a ton, and half a crown per head on all the crew, passengers, &c. on a vessel of five hundred ton, this duty would amount to

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* This valuable information concerning the oil trade is derived from Mr. M'Arthur, son of the principal settler, and most enterprising and intelligent land-owner in the Colony of New South Wales.

† Forty-one.

£15, thirty-five vessels paid it in 1818, about twenty of these were transports, and they were not exempted.* The naval officer does not receive the proceeds of this tax, but part goes to the governor's secretary, the remainder to his clerk! The only considerable export from the colony is wool. Mr. M'Arthur who is now residing there, and who has been in the colony since 1793 has been the means of introducing there the Spanish short wooled sheep. The climate is admirably adapted to the growth of fine wool;—in the last year, it is calculated, no less than seven thousand fine-wooled sheep will have been shorn upon Mr. M'Arthur's property alone. The whole number of sheep, in 1817, was sixty-five thousand, above two-thirds of which would produce wool fine enough for exportation. The importation last year was large, and will annually increase. The prices obtained for this wool were very considerable; and notwithstanding it was sent to London, packed in the fleece, unsorted, and much dirtier than the Saxon or Spanish, the following prices were given for the greater portion, in the fleece: in 1816, 2s. 1d. a pound; 1818, from 3s. 6d. to 4s. ditto--second importation, 4s. 1d.; 1819, 5s. 6d. These sales were made for ready money; but if the usual credit of ten months had been given, the price would have been 6s. per pound. Some of the wool,

* Forty-eight.

when washed and sorted, has been valued as high as 9s. 6d. a pound. The cost of the import is but small: from 1810 to 1818, the freight of wool to England from N. South Wales was 4½d per pound; the last cargo was only charged 3d. In consequence of the bill which passed last session, permitting all vessels to trade between this country and the colonies as heretofore, (vessels under three hundred and fifty tons having been prevented proceeding to the colony by the East India Company's last charter,*) the direct trade will be materially increased, and the freight reduced. It is curious to contrast this cost with that of the transport of Spanish and Saxon wools. The freight and carriage of Spanish wools from Seville, are calculated at about 3s. 10d. for every twenty-five pounds; being at the rate of 2d. a pound. Saxon wool, including the land and water carriage to Hamburgh, is calculated, at the lowest, from 5d. to 6d. a pound; and it is said, that in addition to this, £5. per cent. has been recently charged, for the permission to pass through the territories of the King of Prussia. The growth of wool will, therefore, well remunerate the land-holder in New South Wales; and no doubt but it will become an article of import to the mother-country, if absurd regulations abroad, and taxation at home, do not check the enterprising spirit of the colonists.

* One hundred and thirty-six.

## ADAPTNESS TO COLONIZATION.

The old colony of New South Wales spreads itself out between the thirtieth and thirty-fourth parallels of south latitude, and being confined to the westward by the mountainous barrier, called the Blue Mountains, contains about fourteen thousand square miles of territory; but enterprising travellers have passed this barrier.* A vast extent of country lies beyond it, and the recent travels of Mr. Oxley into the interior, which are now before the public, seem to shew that there is hardly

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* The Blue Mountains presented to the minds of the early settlers and the government of the colony, an impenetrable barrier. Three gentlemen, Mr. Wentworth and Lieutenants Lauson and Bell, at their private expense, and after surmounting great difficulties and privations, *traversed* this rugged and mountainous region, and reached the district now called Bathurst Plains. A good road across was soon after formed by Governor Macquarrie's directions, and an establishment made at Bathurst. By this route, the two expeditions of Mr. Oxley, the surveyor-general, have been conducted, and communications kept up with those who are stationed in the interior. In the mean time, Dr. Throsby, a gentleman of great enterprise and respectability in the colony, discovered a pass through the mountains, on the western side of the Nepean river, and thus reached the fertile plains of the interior, by a level and open track; along which, flocks and herds may be driven without difficulty.

a limit to the value of the settlement, and that to a fine climate is added the most fruitful soil. The old settlement, as far as the value of the land is to be taken into account, is, in general, but little profitable; fine tracks are, however, to be met with on the Nepean and Hawkesbury rivers, and on the spot called the five islands. But the more recent discoveries to the southward of Port Jackson, have opened a district of the greatest fertility, and which bids fair to be the most valuable in the whole settlement. The country claimed by Great Britain, extends from the tenth to the forty-fifth degree of latitude---a range of climate unparalleled in the possession of any European power, and presenting degrees of temperature enabling the cultivator to grow any of the productions of nature, from the fruit of the tropics, to the humblest European vegetable. The immediate settlement of Sydney is valuable only for its excellent and capacious port, capable of holding, completely shut out from every wind, the fleets of the whole world. The land immediately in the vicinity of the town is not good. A broad belt of sand extends from the coast into the interior, a distance of about five or six miles. This is succeeded by a district of more fertile and productive soil, marked for its richness by the great growth of timber. Here are to be found the banksias and eucalyptus, or gum trees; the beefwood, or forest oak of the settlement. The forest is here very thick, and

the rays of the sun being thus shut out from the earth, a long sour grass alone grows; but it is gradually yielding to the advance of population, and the land will one day or other be valuable. This belt extends about ten miles further inland. The colony here, according to Mr. Wentworth, (whose sensible and well-informed book, giving an account of the country in which he was born and has long resided, I strongly recommend to your perusal,) may be said to possess a soil which has no natural claim to fertility, and will require all the skill and industry of its owners to render it tolerably productive.* After passing this belt, the country assumes a different appearance; a succession of hills and vallies, with here and there large forest trees scattered about, as in a gentleman's park in England, burst on the view: this is the most fertile, and the best settled district of the colony. This country extends to the Nepean river, and spreads gradually into a succession of plains, until that river joins the Hawkesbury. On the other side of the river are the Cow Pastures, of about one hundred thousand acres in extent, and of very fertile land, on which run wild the cattle alluded to in another part of this letter. The climate of New South Wales is uncommonly salubrious; though the heats are great in summer, yet a sea-breeze tempers their intensity, and from the small number of deaths, in comparison with the

* Wentworth, p. 47.

extent of the population, it is evident that the climate is favourable to European constitutions. There is little or no winter, a circumstance highly favourable to the growth of fine-wooled sheep, which are thus preserved from the diseases so fatal to them in northern temperatures. There are here, also, none of those diseases which oppress and destroy the youthful population in Europe—the measles, whooping-cough, and small-pox are unknown. Vaccination has been lately introduced, with its usual success; and the small-pox, brought there by the followers of Captain Cook, has entirely ceased its ravages. There is, perhaps, no climate settled by Europeans, where children are so free from the diseases so fatal in northern latitudes. The soil too, no less than the climate, seems well adapted to the growth of wheat and maize, but barley and oats do not succeed so well here as in Vandieman's Land. Nearly all the varieties of vegetables and fruits, both tropical and European, are grown in the greatest abundance and perfection: oranges, lemons, citrons, pomegranates, loquats, grapes, figs, guavas, apples, pears, peaches, apricots, nectarines, plums, melons, walnuts, spanish chesnuts, cherries, almonds, quinces, medlars, raspberries, and strawberries.* None of these fruits

* Forty-four.

* To this list may be added the pine-apple and the olive. With such productions, dried fruits, it is evident, may be pre-

were indigenous, but have been all introduced by the spirit and enterprise of individuals; and indeed it would be impossible to select a spot, for which Nature has done so much, and where her varied and valuable gifts, under the fostering care of man, are produced in such perfection and abundance.

Having thus enumerated some of the advantages of New South Wales, I shall shortly describe the state of the sister-colony of Vandieman's Land. This island is about as large as Ireland; it contains one of the first ports in the world, called the Derwent. There are two settlements in this colony, one called Port Dalrymple, the other Hobart Town, which latter is the seat of government. The land in the vicinity of these settlements is of the finest quality and character—large plains, like the Pama's in South America, extend in all directions. The climate is good, being ten or twelve degrees colder than, in the corresponding months, in New South Wales; large beds of coal and iron have been discovered there, and the island seems to contain within itself all the means of becoming a great and

pared and exported, as from Italy, France, and Spain. Tobacco, hemp, and flax can be raised in great quantities. The silk-worm has also been introduced, as well as the date, the caper-plant, and the best descriptions of the vine from Madeira, the Cape, France, and Switzerland. Iron of the finest kind, and abundance of coal have been long since discovered, and across the mountains, limestone, which has been much commended.

flourishing settlement. In 1817, the European settlers amounted to three thousand and two hundred, of whom about one thousand were convicts. It thus appears, that these two settlements contain within themselves, if well administered, the means of becoming rich and well peopled. What then is necessary to be done in order to hold out inducements to settlers with capital to emigrate from the mother country, and establish themselves in New South Wales, or in Vandieman's Land. All circumstances seem to combine in their favour; a fertile soil; a fine and salubrious climate; settled by Englishmen; the English language alone spoken; no savage nations of any consequence as to numbers or character; no wild beasts; their geographical situations peculiarly good, being half way between China, India, and South America, and in the midst of that swarm of islands and small settlements which abound in the Eastern seas.*

Thus then a comparative thriving colony is already established. The first thing to be done is, to constitute a form of government suited to it. Mr. M'Arthur distinctly says, he knows of persons who are deterred from going out, and carrying with them

* Almost the only objection made to the colony is its distance from England. The voyage to the Cape is from ten to twelve weeks. Since vessels have proceeded direct, that to New South Wales is on an average about sixteen weeks. Mr. Jones* states,

* P. 146.

large capital, and habits of industry, because the form of government is arbitrary, and not adapted to the wants of a free people.*

I cannot refrain again here entreating your lordship to re-consider the opinion you have given on the propriety of continuing the governor of New South Wales, in his present authority unchecked and uncontrouled, except by the Colonial Office at home, which it is ever to be remembered is fourteen thousand miles distant. The recommendation of the committee in 1812, ought to have carried some weight in influencing your opinion; but the events of the colony since that period, demonstrate the necessity of that measure. A consistent and intelligent administration of the affairs of the colony is of primary importance, to obtain which, a civil governor, aided by a council, the commander of the troops belonging to that council, together with the official secretary to the colony, an office, I learn of recent appointment, will insure a steady uniform system of government, which cannot be obtained under the present vicious establishment, and which

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that of three ships in 1818, the Morley made the voyage in fourteen weeks, five days, having performed it in the same time in the previous year; the Glory in three months and twenty-eight days; and the Maria in four months. At the present moment freight may by had, out and home, at about 7l. a ton. Mr. Riley has calculated the expense of conveying and victualing a family of four persons at 100l.

* One hundred and thirty-seven.

is essential to the well-being of the settlement. The first objection raised by all persons who are looking out for the best spot to which they may emigrate is, the strange, anomalous government which exists in New South Wales. The climate is acknowledged to be favourable; the soil good; the terms of obtaining land easy and equitable: the distance not objected to; but the obstacle is the absolute military sway of one man. I hear that fifty families of quakers, some possessing considerable property, are now hesitating whether they shall go or not. What sways against their intention is the want of all civil government; remove that evil, and they will establish themselves there, and hundreds of others will follow their example. Then indeed, we may boast that we are rearing up, on the other side of the globe, not a settlement of free-booters, felons, and buccaneers, but a colony worthy of the moral and intelligent country from which it sprung, and which will be an everliving memorial of the wisdom and polity of England.

The next step is to erect courts of criminal and civil justice, less complex and more constitutional than those existing at present—to introduce, as far as it can be done at present, and holding out the pledge of doing more hereafter, the TRIAL BY JURY*

* Since this was written, I have seen a resolution of the principal inhabitants of the colony, printed in the Sydney Gazette of the 23d of Jan. 1819, Sir John Jamieson in the chair of the

—to define by statutable enactment, the power of governor and council, to make new laws and regulations for the better government of the colony; these of course to be controuled by the authorities *home*; *for until the settlement is ripe enough* to possess a colonial assembly, that power must rest somewhere. As the law stands, and has stood from 1787, to the present hour, no legislative power has existed in the colony, but the whole authority has been vested in the hands of one military or naval man, who has assumed a power which no law gave him, and exercised a jurisdiction which the King alone could not bestow. The consequences of this monstrous and criminal neglect have been just those which might have been expected—the enactment of every variety of absurd ordinance—the invasion of the common rights of property, personal liberty and security, and a system of administration to be equalled only by that of the deputies of trading companies from Holland and England, which has long been a bye-word for every species of mis-rule. The next important change to be made is the limitation of the number of convicts sent out to these colonies. The enormous forced emigration of above eight thousand persons in three years, will annihilate all hope of the colony being otherwise than a penal settlement, where punish-

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meeting—when, among other requests to be made to the government at home, that of the trial by jury is insisted on.

ment is impracticable. and reform hopeless. This tide of felons and outcasts, constantly setting in, will sweep every thing away before it, and neither the property, nor the life of the settler, will be safe in their hands.

For reasons which are obvious, I decline pursuing the enquiry. The colonial office is well aware of the hazard run, and if report says true, has made pressing solicitations for many months for reinforcements of troops. Is it not better then not to recruit the disease? instead of day by day augmenting the danger, would it not be wiser to diminish its strength? Is there not the most imminent peril in banishing from their homes thousands of enterprising vicious men, in the prime of their strength and manhood, to a territory where labour is to be their lot—where, for longer or shorter terms, slavery is their doom—and where all the incitements are to corrupt and inflame—and where nothing is done to sooth and reform? Begin by limiting the exportation of convicts to that class alone who have forfeited their lives, or who are banished for long term of years. Surely from one thousand to thirteen hundred men and women annually, would satisfy the cupidity of the warmest admirer of this transportation system. Establish at home a plan of secondary punishments, and never forget the necessity of uniting the reformation to the correction of the offender. "There are punishments," says Mr.

Harmer, the solicitor at the Old Bailey, a person well qualified to speak on such topics, "which I am "convinced a thief would dread, and which, if "steadily pursued, might have the most salutary "effects, viz. a course of discipline totally reversing his former habits. Idleness is one of the prominent characteristics of a professed thief—put "him to labour: debauchery is another quality— "abstinence is its opposite—apply it—dissipated "company is a thing they indulge in, they ought, "therefore, to experience solitude; they are accustomed to an uncontrouled liberty of action; I "would consequently impose restraint and decorum; "and were these suggestions put in practice, I have "no doubt we should find a considerable reduction "in the number of offenders."* I forbear to enter farther into the details upon this subject—it has of late been presented in all shapes before the public. By the present system, the mother country has, it is true, got rid (for a time at least) of a proportion of her criminal population; but she has done this at a cost of above four millions sterling; and three-fourths, at least, of those who return from the colony, come back more expert in wickedness, and more hardened in guilt. The questions then are, 1st. Is transportation any longer dreaded as a punishment? The answer must be, that it is not. Hundreds of

* Report on Criminal Law, 1819.

persons annually volunteer to go to New South Wales, and not a sessions passes in London, or an assize in the country, without the judge being thanked by the prisoner for the sentence he has pronounced. 2d. Has the punishment answered the intention of its framers? The answer to this is to be found in the evidence before the committee's of the House of Commons in 1812 and 1819, and in the records of our courts of justice. That evidence demonstrates, that as a punishment, it has ceased to operate—it is expensive and burthensome—neither equal, exemplary, nor reformatory—it deters no man from crime—it restores few to virtue. Offences are committed, to obtain it by some—and it is the resource of the idle, the desperate, and the bold. I have equally refrained from commenting in detail upon many parts of the evidence submitted to the committee, which may be considered as the legitimate results of the mode of government established in the colony, and which require immediate correction. The most material are, the loose and irregular way in which tickets of leave are given*—the bad characters who have enjoyed them†—the necessity of an augmentation of military, and an addition of naval force‡—the facilities afforded to desertion, and the daring example daily shewn of

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* One hundred and thirty-seven, one hundred and thirty-eight.

† Sixty-nine. ‡ Ninety.

the disposition of the convicts to escape*—the partial system upon which land is located, and the jobs which take place in that respect†—the petty persecutions exeprienced by those who are bold enough to differ with the public authorities,‡ the oppression practised upon some§—the general bad government over all.

Mr. Bigge has lately gone out as a commissioner to inquire into the state of the colony—from his talents and his integrity I expect much; but the Colonial Office should not delay a moment in correcting some of the evils which the evidence demonstrates to exist, and those who have under their controul the legal administration of this country, have not an hour to lose in imposing some limit to the amount of convict transportation, which threatens to carry every thing before it, and is alike fatal to the moral and civil existence of the settlement.

I have the honor to be,
My Lord,
Your Lordship's most obedient servant,
HENRY GREY BENNET.

Cork Street, June 1st, 1820.

* One hundred and forty, one hundred and forty-one.
† Seventy-two, seventy-three, seventy-four, one hundred and forty-four.
‡ One hundred and forty-six, one hundred and forty-seven, seventy-one.
Appendix, 1—4.

# APPENDIX.

## 1.

*Copy of a Letter from Governor Macquarrie, to G. Howe, on dismissal of G. Williams.*

Government House, Sydney, Friday, Feb. 21, 1819.

SIR,

Understanding you have in your service a man named George Williams, who came to this colony, last from the Cape of Good Hope, without the sanction of his majesty's government, but who from motives of humanity I permitted to become a settler; and it having come within my knowledge that the said George Williams did affix his signature to a scandalous, rebellious, and libellous paper, directed to the House of Commons, against my person and government, which is said to have gone home by the Rev. Benjamin Vale. Now it being my determination that no such infamous incendiary shall be employed in any department under government in this colony, I hereby command and direct you at your peril to retain the said George Williams in your employ after one month from the date hereof,

I am, Sir,
Your most obedient Servant,
(Signed) L. MACQUARRIE.

Service,
Mr. George Howe,
Government Printer.
The Governor.

## 2

*Copy of a Letter from Mr. Samuel Marsden, to William Wilberforce, Esq.*

Paramatta, February 5, 1818.

HONOURED SIR,

By Dr. Bromley I wish to make a few observations to you in a confidential way. In the conscientious discharge of the important duties of a clergyman and a magistrate, many occurrences have happened during Governor Macquarrie's administration, which have tended to excite his displeasure against me; which would be too tedious for me to enter into detail. You will allow, Sir, that a minister's feelings, who is anxious for the eternal welfare of the souls committed to his care, will be much more alive to those evils, which tend to the ruin of his people, than one who has no concern about them. Unfortunately for me, I have been placed in a most trying situation in this respect, have had the greatest moral evils to contend with; and possest no means to remedy them.

I could state many sources of these evils; but shall principally notice the general hospital at Parramatta. This hospital I am in the constant habit of visiting—it consists of two wards, under the same roof;—one for the men and another for the women. This hospital is open night and day for every infamous character to enter;—there are no locks or bolts to any of the doors;—the men and the women-patients have free access to each other at all times. For the number of persons in the hospital, I do not believe that there is such an infamous brothel in the whole universe. Here men and women become familiar with pain, sickness, vice, and death. I have remonstrated, and do remonstrate constantly, with the surgeon, upon the debaucheries committed by the dying

bed. I visit the hospital, look round amongst the patients; and I behold drunkenness, whoredom, sickness and death. There is not so much as a room to put a dead man or woman in, till they can be removed to their grave—but the dead lie in the room with the living patients. I have no doubt, but in the room where the dead are lying, debaucheries are going on. These scenes of misery, vice, and wretchedness have the most baneful effects upon the human mind, in a moral sense. I have felt the greatest indignation at the scenes which I have beheld in the general hospital; and which might easily be remedied by a little attention from government. The men and women patients might easily be kept separate from one another in the nights What can be more distressing than to find the men and women together, in the same bed, when a clergyman goes to visit the sick, and probably near a dying patient. No man can hold his tongue under such dreadful moral evils, if he has a spark of religion, or any moral feeling. The hospital is a place I have seldom seen the governor at.—I met him there by accident some time ago, when I took an opportunity to speak to him, in the presence of the surgeon, and the patients. I have no doubt but he was much offended at what I said. I mentioned to him how the patients were distressed, for weeks and months, for the want of common necessaries—that they were frequently without sugar, sago, rice, tea, wine, or any other support, than the common ration from the king's store, which consists of wheat, and animal food, which from sickness, many of them could not use. I also observed, that there had not been a candle or a lamp for the *last two years* to see a patient die; unless some humane person had sent a little light to the hospital. Government had supplied none. Often when I have been called to visit the hospital after dark, I have had to grope my way to the sick man's bed. This would not be credited in England—but such are the facts. I solemnly declare that I do not believe that there ever

was such a place for want, for wretchedness, for debaucheries, and for every vice, as the general hospital at Parramatta. Women labouring under every loathsome disease, connected with a vicious life, quit the hospital in the nights to find some with whom they can cohabit for the night, and obtain the means of procuring a little sugar, or other necessary they may want. I should not mention these things to you, or any of my friends, but merely to shew that these are the causes of my differences, (and the real causes, with others of a similar nature) with the governor. I have felt it my duty to remonstrate, and to point out these evils. This has been considered the highest presumption in me, and as acting in opposition to the governor's authority. Let any man be placed in my situation, and let him feel that he has an account to give of his ministry, and then see how he would act. I should consider it one of the greatest temporal comforts to enjoy the countenance of my superiors; and it is very distressing not to have this favor. But this I never can have, under the present government, without calling good, evil; and evil, good. In not agreeing with the governor; I sacrifice my interest, my peace of mind, and my character is more or less exposed to calumny.—I am sure the governor will not spare me; nor those who are under his influence. The governor is now building a *general hospital;* and then I hope some of the evils will be remedied, as far as respect that institution. I have one satisfaction, that my remonstrances can hurt none but myself, and they may, in time, produce some public good. Though nothing is done yet, for the accommodation of the females, yet this will in time be accomplished.—This, amongst many others has given the governor much offence: as I have repeatedly pointed out the evils of turning the female convict loose upon the public.

There is another great evil which ought to be remedied, as it brings many an unfortunate man to the

gallows. Government employs a great many overseers, constables, watchmen, &c. The overseers, &c. instead of any pecuniary remuneration, government allows them one or more convict servants victualled from the king's store. These convict servants given to overseers, are generally allowed by their masters to go where they please; and to employ themselves in any manner they like, on condition of giving to their masters their ration from the king's store, and in addition to this, a certain weekly sum in money—some 6s. some 10s. per week, and some more. Many of these servants are unable, and some are unwilling to earn their own provisions, and the sum of money weekly demanded of them. When these servants come to be pressed by hunger, or expose themselves to the danger of punishment, for not fulfilling their agreements with their masters, they frequently run off into the woods, and live by plunder, till they are apprehended, and not unfrequently for capital offences. I committed three such characters last week; and two of them were for capital crimes. Seldom a week passes but some of these men are brought forward for serious crimes. This system is very injurious to the public welfare; and ought to be for ever abolished. I do not see why one prisoner should be a slave to another. If a man merit any remuneration for his services, a better mode, more consistent with the principles of common justice and humanity might be suggested. This is a system pregnant with every moral evil; as it is turning a body of idle, worthless characters at large in the settlement under no controul; for as long as they can find the means to satisfy their masters, by theft, or otherwise, they may live in any manner they like.

From my situation, as a magistrate, I have felt it my duty to mention some of the evils to the governor, and exprest my wish that some other mode might be adopted. But this system will never be changed, till some change takes place in the government of the colony.

I may further remark, that it is my opinion, when a military man has attained the rank of General, and possest at the same time, of more than sovereign power, (as the governor is here) he has no idea of the civil rights of the subject. He cannot bear that any person under his authority should differ in opinion with him in any of his public measures; and such a difference is viewed in no other light than sedition and mutiny. I think it impossible, in the very nature of things, that any faithful minister of the gospel can live under an absolute government, and enjoy the countenance of his superiors. He will be goaded continually on all sides; and driven almost to madness; and in some unfortunate moment he may be taken off his guard, and the enemy gain an advantage over him. The colony is much distressed for clergymen, but I have ceased to write for any more. I cannot recommend any man to come into such a society, to be exposed to such insults and distresses. The settlement at Port Dalrymple, has now been established I think, twelve or fourteen years, and no clergyman to this day.—It is not to be wondered at, that so many horrid murders and robberies have been committed in that colony, as the people are left without any moral instruction whatever. Though this is the case I cannot make up my mind to write for more clergymen. Two of my colleagues wish to leave the colony at present—whether they will or not I cannot tell. If they can obtain the means for leaving the colony, I think they will. They have expressed their intentions to me. * *

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I cannot tell how matters will terminate with myself. If the governor can do any thing with me, he will. I think he cannot, I have done no wrong—I have committed no crime. I will not say that I have acted always wisely, but I have not acted criminally. I have merely

written these few lines to shew, that many things have conspired together to cause the governor's dislike to me. I shall endeavour to defend myself—and have only to request that my friends may not condemn me, before I am tried and found guilty.

I have the honour to be, &c.

SAMUEL MARSDEN.

To William Wilberforce, Esq.

## 3

*Copy of a Letter from Mr. Samuel Marsden, to Alexander Riley, Esq. dated Sydney, May 19, 1818.*

Sidney, 19th May, 1818.

Jones and your brother will write to you fully upon the state of things here.—I have tried very hard to return in the David Shaw, but could not obtain leave: my troubles are not yet over—the governor will keep, if it is only to annoy me. We have had some pretty warm contests since you left us. You will see from the Gazette that I am no longer a magistrate in this colony. Shortly after you sailed, the Chapman left the colony; in this ship the three freemen, whom the governor ordered to be punished, returned to Europe. One day I was at Mr. Merchant Campbell's office, on my way to Parramatta, waiting for Mr. Palmer; the public flogger, whom I did not know, called upon me to attest a deposition, stating, that he had flogged the three freemen by the governor's order, or warrant. I asked him if he knew what he was going to swear to; he replied he did. In order that there might be no mistake, I read the deposition over to him, which he said was correct. It simply stated that he had punished the men. I attested it, and returned the document to the flogger. A few days after this, I received a note from his excellency the governor, to wait upon him

at 12 o'clock the following day. Accordingly, I attended at Government House at the appointed time. When I entered his excellency's office, I saw preparations were made for a serious interview. There were five chairs placed at the governor's table, on which stood his excellency's writing-desk, with some documents prepared for this meeting. I was desired to take my chair opposite the governor—Mr. Campbell, his secretary, was placed upon his right hand—the governor's aid-de-camp next, and the Rev. Mr. Cowper. I saw I was now in a pretty mess, though they were all honourable men. The governor was much agitated, at length he began to tell me for what purpose he had sent for me, which was to speak to me upon the subject of attesting the above deposition. I immediately stood up, and said, "Governor Macquarrie, I object "to your excellency making any observations upon my "public conduct before the gentlemen now present, un- "less I have a friend to hear what your excellency may "please to say to me." At this he was extremely violent; told me he would not allow me to have any but those who were present. I made a motion, as if I was on the eve of making my escape; when his excellency said, with much warmth, "I command you, as governor of this co- "lony, to sit down, and to hear me patiently." I then sat down very quietly, but determined to shew him, that he might as well have let me alone. He asked me if I had attested such a deposition; I told him I had.—He asked me if I was not ashamed of myself for doing so; I said, no, I was not; I supposed that as his excellency had ordered these men to be publicly punished, I did not conceive that his excellency cared if all the world knew that he had done so.—He replied, he did not care; but he cared for my signature being put to the deposition; and that in doing this, I had been guilty of mutiny, sedition, and other high crimes. I told him if I had done wrong, I had no objection to suffer for the wrong I had done, but I was not conscious I had: the deposition was presented to me to be attested—I had not drawn it up, nor did I know

who had, and it contained no more than the simple fact that, the men were punished by his excellency's order—I conceived it was my duty, as a magistrate, to attest the deposition; others might be of a different opinion, but that was mine. His excellency read a long reprimand, which was written ready, charging me with a great variety of crimes, of which I was totally ignorant and innocent; but his excellency said I was guilty, and that was enough. If all that was laid to my charge had, or could have been proved, it would have hung half the colony. I told the governor, as my conduct, as a magistrate, did not meet with his excellency's approbation, I requested he would allow me to resign that office. To this he replied, that he would not allow me to resign; my services were too beneficial to the public, but he would dismiss me if I was determined to resign.—I replied, that I was anxious to resign, and then I could not offend his excellency in that situation. After much violent conduct on the part of the governor, the interview closed; when the governor at parting, said, "I command you, Sir, that you never "again set foot in Government House, except upon pub-"lic duty." To which I replied, "Your Excellency "may rest assured I shall be very particular in not vio-"lating your Excellency's commands in this respect."—After I came from Government House, I wrote to his excellency, requesting him to give me a copy of the reprimand he read to me, but received no answer. This was an extraordinary document, and he had his secretary, aid-de-camp, and chaplain to hear how much he could abuse me. Conscious of my entire innocence of the charges laid against me, and that they had no existence in fact, but only in his own suspicious imagination, his excellency might as well have beat an anvil, as to excite fear in my mind, where no fear was. When I came away I was resolved, as the governor would not allow me to resign, I would not give him an opportunity of refusing a second time. I therefore resolved, the first insult I received, to act no longer. An opportunity soon occured: The judge

advocate came to Paramatta, visited our gaol; we had some desperate fellows at that time in our gaol-gang. The fellows complained to the judge of the magistrates; I found the judge much more inclined to attend to their lies, than he was to my statement of facts. As I told him all their characters and their crimes, I saw what his object was; viz. to court the good opinion of the vilest of men, at the expense of the authority of the magistrates. The judge took down the names of all the men who applied to him; and, in a few days afterwards, an order came in the governor's own writing, addressed to the gaoler and constable, without any reference to the committing magistrate, to discharge all the judge had recommended to the governor.

As soon as the constable shewed me the governor's letter, I immediately wrote to the governor, informing him I would not act another day as a magistrate, and resigned my office immediately. The governor, in the next Gazette, stated in the general orders, that he had dispensed with my services.—He would wish the world to believe that he had dismissed me. You will see I am now more out of the range of the enemy's shot than I was. I have used every means to get out of the colony, but in vain. I would have resigned my public situation, if his excellency would have allowed me to return in the David Shaw; but no sacrifice I could make would prevail with him to part with me. I am a man of too much consequence to be allowed to leave the colony: The governor tells me, in his official letter to me, upon the subject of my wishing to return to Europe, that he cannot allow me; my absence would be fraught with such injury to his majesty's service. Here I am, and here I must stay: I believe I shall stand a long siege before I shall surrender; at the same time I must be prepared for war. I expect some heavy shot will be fired upon me yet. The governor has put the Roman priest in gaol; I think this is a very bold measure. I shall expect a great number of priests will now be permitted to come out, as some public notice, no doubt, will

be taken of such an act of power. The governor might with more propriety, have put me in gaol, being an officer under his command. The Catholics are much enraged; what they will do, I know not. If they can meet with a leader, we must look out for broken heads; I know not, whether they will be able to find one or not. We are in a very uncertain state.—I would not have advised the governor to put the priest in gaol—some one must pay for this. I have told Captain Ker, in taking him in his ship, to take care that no responsibility rests upon him. The Catholics are a powerful body; we shall see, if we live long enough, where these violent measures will end: they can do no good—much evil they may do. I do not wish for any Catholic priests here; but if they come, I should let them do as they pleased, so long as they did not interfere with the public regulations of the colony. Mrs. Cartwright is returned in the David Shaw, and I may follow, should any change take place. I write these few lines in great haste, in your former residence, in the midst of hurry and bustle. If you cannot read them, throw them upon the fire. I wished you to know the truth of my being out of office, as the governor may allege some other reason at home, which may come to your knowledge. I was not going to have my authority destroyed as a magistrate, either by the judge or governor, or both together, to please them; and therefore resigned in a moment. Present my respects to Mrs. Riley and Mrs. M. I shall be happy to hear from you, when you arrive. Should you see Mr. J. Mason, let him know that I am out of office.

I am

Yours truly,

(Signed) SAMUEL MARSDEN.

To Alexander Riley, Esq.

4

*Copy of a Letter from William Henry Moore, Esq. to Mr. Justice Bent, dated Sydney, 5th March, 1816.*

YOUR HONOUR,

I take the liberty of writing to you, in consequence of an official letter which I yesterday received from Mr. Secretary Campbell, informing me that the governor had given orders to the treasurer of the police fund, to discontinue the payment of my salary from the 23rd ultimo, (that being the day on which my agency for the Rev. Benjamin Vale, in the seizure of the American schooner Traveller, commenced) and that he would not fail to recommend to his majesty's ministers to discontinue the same. I am greatly at a loss to know, upon what principle of justice the governor could have assumed such an extraordinary stretch of power, without giving me the least previous intimation. I am acting for Vale as a mere agent, and in a business in which the interests of the crown are greatly concerned: the legality of the proceeding I have not the least doubt of, and yet I am accused in Mr. Secretary Campbell's letter to me, of insolent, offensive, and insulting conduct, in the late false, unwarrantable, and vain attempt (as he is pleased to call it) to seize the vessel in opposition to the governor's public measures, and in contempt of his authority. I knew nothing, at the time of the seizure, of the governor's having given permission to the vessel to be entered at this port. There was no public order to that effect issued, which is the method usually taken by the governor, to make known his measures. I could not, therefore, have done it with any such view as he attributes it to; and was actuated solely by a sense of duty and justice, that I owed to my client, Mr. Vale, and the British government, on whose behalf I considered myself as acting. I therefore hope you will do me the favour, the first time you have occasion to write to Earl Bathurst, to certify to him, that I have been guilty of no crime in conducting this business

as an agent; and I trust his lordship will be convinced, that I have been no way deserving of such a punishment as the governor though proper to inflict, by stopping my salary; and that he will consequently send an order for the continuance of my salary as heretofore, and be allowed to receive all arrears that I may be entitled to.

I should not have troubled you with this letter, but from the threat held out to me by the governor, which I fear (if the case is not fairly represented) may be the means of depriving me of my situation.

I am, &c. &c.

WILLIAM HENRY MOORE.*

## 5

*Copy of a Letter from John Thomas Campbell, Secretary, to Mr. William Stewart, dated Sydney, Feb. 16, 1816.*

Secretary's Office, February 16, 1816.

SIR,

I have it in command to inform you that his excellency the governor will have no objection to assigning you the portion of land which he promised you as a settler, agreeably to the wish expressed in your letter of the 14th instant, to me, in the new district now known

* The case of Mr. Moore is a remarkable instance of the spirit of persecution existing in New S. Wales. This gentleman had been sent out by the government at home to practise as a solicitor, with a salary of 300l. a year. He was professionally employed by an English clergyman, and for the performance of his duty to his client, the governor stopped the payment of his salary. He appealed to the Colonial Office, who, I am informed, reversed the order; nevertheless, Governor Macquarrie refused to comply with this injunction, and when I last heard from the colony, the salary remained unpaid. When the distance between N. S. Wales and England is considered, the stopping of the payment of a salary to a public servant is, in fact, reducing him to beggary; and if it had not been for the assistance of friends, Mr. Moore would have been so situated; he has, however, triumphed over his persecutors, and his talents and acquirements have secured to him a just and honorable reward.

by the name of the Five Islands; but his excellency will not locate any part of that district until such time as an accurate survey and report of the whole of it shall be made to him by the surveyor-general, and such other persons as may be commissioned to that effect. This survey and report will not in all probability be made in less than three months, and may possibly occupy a considerably longer time. I am, Sir,

Your obedient Servant,

JOHN THOMAS CAMPBELL,

*Secretary.*

Mr. William Stewart,

Sydney,

## 6

*Copy of a Letter from John Thomas Campbell, Secretary, to Mr. William Stewart, dated Sydney, Nov.* 18, 1816.

Secretary's Office, November 18, 1816.

SIR,

Having submitted your memorial, dated the 4th instant, to his excellency the governor, I have it in command to make you the following reply. Namely, your conduct in having signed a petition, lately sent from this country, by a few despicable, factious, and malignant individuals, and well known to contain the most false, libellous, and seditious matter, is an instance

of such unprincipled depravity, that his excellency can never think you deserving of any indulgence whatever from this government.

I am, Sir,

Your most obedient servant,

JOHN THOMAS CAMPBELL,*

*Secretary.*

Mr. William Stewart,
Master Mariner,
Sydney.

* The letters which I have printed in the Appendix, were either read by me in my place in Parliament, or tendered as evidence to the Prison Committee. They are, to my mind, of the greatest importance, as illustrative of the system upon which the colony has been long governed. I have not, however, printed a letter of the 14th of March, 1817, from Mr. Secretary Campbell to Mr. Justice Bent: its gross impropriety and insulting language have alone prevented me from so doing. I read it, however, to the Committee, and there was but one opinion upon its nature and character. It will, however, hardly be credited, that His Majesty's Government have lately thought fit to confirm an appointment made by Governor Macquarrie to this gentleman of the best office in the colony.

The Total Number of Souls in New South Wales only, for the following years:—viz.

| | | |
|---|---|---|
| In 1810... | The total Numbers were... | 8,646. |
| 1811 ..... | Ditto ..... | 9,253. |
| 1812 ..... | Ditto ..... | 10,105. |
| 1813 ..... | Ditto ..... | 10,842. |
| 1814 ..... | Ditto ..... | 11,291. |
| 1815 ..... | Ditto ..... | 12,911. |
| 1816 ..... | Ditto ..... | 15,175. |
| 1817 ..... | Ditto ..... | 17,165. |
| 1818 ..... | Ditto ..... | 21,294. |
| Ditto, at Vandieman's Land ..... | | 3,760. |

Stock in New South Wales for the following years:

| Date of Year. | Horses. | Horned Cattle. | Sheep. | Hogs. |
|---|---|---|---|---|
| 1813..... | 1,891 | 12,543 | 85,621 | 14,641 |
| 1814..... | 2,197 | 23,263 | 73,256 | 10,721 |
| 1815..... | 2,328 | 25,279 | 62,476 | 10,106 |
| 1816..... | 2,457 | 25,116 | 55,097 | 12,372 |
| 1817..... | 2,851 | 33,637 | 66,684 | 15,634 |
| 1818..... | 3,454 | 40,094 | 73,364 | 22,633 |
| Total..... | 15,178 | 159,932 | 416,158 | 86,107 |

# A GENERAL STATEMENT of the Inhabitants

Taken by his Excellency, Governor MACQUARRIE; commencing the 28th September, and ending the

| STATION, &c. | CIVIL DEPARTMENT VICTUALLED. | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Governor and Commander-in-Chief. | Secretary to the Governor. | Judges. | Solicitors. | Provost Marshall. | Chaplains. | Principal Surgeons. | Assistant Surgeons. | Surveyor General of Land. | Deputy Surveyor General. | Naval Officers. | Boat Builder. | Clerks and Superintendants. | Women, at ¼. | Children, at ¼. | Total of Civil Department Victualled. |
| At Sydney..... | 1 | 1 | 2 | 4 | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 1 | 20 | 17 | 16 | 70 |
| — Paramatta..... | .. | .. | .. | .. | .. | 1 | .. | 1 | .. | .. | .. | .. | 6 | 5 | 15 | 25 |
| — Windsor ..... | .. | .. | .. | .. | .. | 2 | .. | 1 | .. | .. | .. | .. | 2 | 4 | 7 | 16 |
| — Liverpool ..... | .. | .. | .. | .. | .. | 1 | .. | .. | .. | .. | .. | .. | 1 | 2 | 6 | 10 |
| — Newcastle..... | .. | .. | .. | .. | .. | .. | .. | 1 | .. | .. | .. | .. | 2 | 2 | 4 | 9 |
| On board Colonial Vessels ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| At Vandieman's Land. Hobart Town... | Lt.G. 1 | 1 | 1 | 1 | 1 | 1 | .. | 1 | .. | 1 | 1 | .. | 2 | 2 | 5 | 17 |
| At Vandieman's Land. Port Dalrymple. | .. | .. | .. | .. | .. | .. | 1 | 1 | .. | .. | .. | .. | 5 | .. | .. | 7 |
| Grand Total ..... | 2 | 2 | 3 | 4 | 2 | 6 | 2 | 7 | 1 | 2 | 2 | 1 | 38 | 32 | 53 | 157 |

in New South Wales, as per general muster. and Deputy Commissary, General ALLAN: 11th of November, 1818, inclusive.

| MILITARY DEPARTMENT VICTUALLED. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lieutenant-Colonel, who is Lieutenant-Governor of New South Wales. | Majors. | Captains. | Lieutenants. | Ensigns. | Paymaster. | Adjutant. | Quarter-Master. | Surgeon. | Assistant-Surgeon. | Serjeants and Corporals. | Drummers and Fifers. | Privates. | Women, at ¼. | Children, at ¼. | Total of Military Department Victualled. |
| 1 | 1 | 5 | 11 | 5 | 1 | 1 | 1 | 1 | 1 | 25 | 9 | 412 | 58 | 57 | 589 |
| .. | .. | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | 2 | 56 | 8 | 27 | 95 |
| .. | .. | .. | 1 | .. | .. | .. | .. | .. | .. | 3 | .. | 12 | 4 | 12 | 32 |
| .. | .. | .. | .. | 1 | .. | .. | .. | .. | .. | 4 | .. | 20 | 1 | 5 | 31 |
| .. | .. | 1 | 1 | .. | .. | .. | .. | .. | .. | 4 | 2 | 53 | 4 | 8 | 73 |
| .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... |
| .. | .. | 1 | 2 | 1 | .. | .. | .. | .. | 1 | 6 | 2 | 82 | 8 | 4 | 107 |
| .. | 1 | 1 | 2 | 1 | .. | .. | .. | .. | .. | 5 | 2 | 70 | 10 | 14 | 106 |
| 1 | 2 | 9 | 18 | 8 | 1 | 1 | 1 | 1 | 2 | 47 | 19 | 705 | 93 | 127 | 1039 |

# GENERAL STATEMENT—

| Commissariat Staff, Victualled. | | | | | Free Persons Victualled. | | | | Prisoners Victualled. | | | | Rations. | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Deputy Commissary General. | Assistant Commissary General. | Deputy Assistant Ditto. | Clerks. | Total of Commissariat Staff, Victualled. | Men. | Women, at ¾. | Children, at ¼. | Total of Free Persons, Victualled. | Men. | Women, at ¾. | Children, at ¼. | Total of Prisoners, Victualled. | At Full. | At Half. | At One Quarter. | Total Number of full Rations. |
| 1 | 1 | 1 | 1 | 4 | 299 | 78 | 136 | 513 | 1355 | 40 | 43 | 1438 | 2169 | 193 | 252 | 2328 |
| .. | 1 | .. | 1 | 2 | 65 | 40 | 74 | 179 | 454 | 165 | 136 | 755 | 589 | 218 | 252 | 761 |
| .. | .. | .. | .. | .. | 34 | 25 | 32 | 90 | 230 | 3 | 4 | 237 | 285 | 36 | 55 | 306¼ |
| .. | .. | .. | .. | .. | 43 | 33 | 52 | 128 | 111 | .. | .. | 111 | 181 | 36 | 63 | 214¾ |
| .. | .. | .. | .. | .. | 4 | .. | .. | 4 | 593 | 61 | 10 | 664 | 661 | 67 | 22 | 699¾ |
| .. | .. | .. | .. | .. | 41 | .. | .. | 41 | .... | .. | .. | .... | 41 | .. | .. | 41 |
| .. | .. | .. | .. | 1 | 138 | 106 | 103 | 347 | 547 | 22 | 16 | 585 | 791 | 138 | 128 | 892 |
| .. | .. | .. | .. | .. | 45 | 92 | 92 | 181 | 72 | 31 | 10 | 113 | 207 | 85 | 116 | 278¾ |
| 1 | 2 | 2 | 2 | 8 | 669 | 669 | 489 | 1484 | 3362 | 322 | 219 | 3903 | 4924 | 773 | 888 | 5521¾ |

*Continued.*

| Total Number of Persons Victualled. | Persons not Victualled. Men. | Women. | Children. | Total Number of Persons not Victualled. | TOTAL NUMBER OF SOULS IN THE SETTLEMENT. | |
|---|---|---|---|---|---|---|
| 2614 | 2740 | 1357 | 2438 | 6525 | At Sydney | 9149 |
| 1059 | 1724 | 436 | 798 | 2958 | — Aaramatta | 4017 |
| 376 | 2005 | 945 | 1242 | 4192 | — Windsor | 4568 |
| 280 | 1477 | 355 | 485 | 2317 | — Liverpool | 2597 |
| 750 | 8 | 9 | 17 | 34 | — Newcastle | 784 |
| 41 | 138 | .... | .... | 138 | On Board Colonial Vessels | 179 |
| 1057 | 1059 | 388 | 408 | 1855 | At Vandieman's Land. Hobart Town | 2912 |
| 408 | 331 | 47 | 62 | 440 | Port Dalrymple | 846 |
| 6585 | 9482 | 3537 | 5450 | 18,469 | GRAND TOTAL | 25,054 |

# Account of Land and Stock in New South Wales, for 1817 and 1818.

| When Mustered | Acres in | | | | | | | TOTAL held. | Horses. | Horned Cattle. | Sheep. | Hogs. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Wheat. | Maize. | Barley. | Oats. | Peas & Beans. | Potatoes. | Cleared Ground. | | | | | |
| 1817, 25th November.. | 14,446 | 10,911 | 626½ | 148 | 103½ | 335 | 42,994 | 230,361 | 2,851 | 33,627 | 66,684 | 15,634 |
| 1818, 11th November.. | 14,927½ | 8,444½ | 919½ | 283½ | 331 | 476 | 43,853 | 284,852½ | 3,254 | 40,094 | 73,364 | 22,633 |
| Increase..... | 481½ | .... | 292½ | 135½ | 228½ | 141 | 859 | 54,491 | 403 | 6,457 | 6,680 | 6,999 |
| Decrease..... | .... | 2,467½ | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |

| | | | |
|---|---|---|---|
| Expenditure by Bills drawn on His Majesty's Treasury for 1818..... | £122,000 | 0 | 0 |
| Expenditure of Colonial Police Fund for Ditto..... | 16,445 | 16 | 4½ |
| On average for expenditure of the Colony for Ditto..... | 140,000 | 0 | 0 |
| On average for ditto of the Police Fund..... | 20,000 | 0 | 0 |

# A Brief Abstract of the General Population in New South Wales, as per General Muster Taken by his Excellency, the Governor, and Deputy Commissary General, Allan, for 1817 and 1818.

| When Mustered. | SOULS IN | | | | | TOTAL Mustered. |
|---|---|---|---|---|---|---|
| | Sydney. | Paramatta. | Windsor. | Liverpool. | Newcastle. | |
| 1817, 6th of October to 25th November, inclusive.. | 7039 | 3124 | 4257 | 1922 | 553 | 17,165 |
| 1818, 28th September to 11th November..... | 9328 | 4017 | 4568 | 2597 | 784 | 21,294 |
| Increase..... | 2289 | 893 | 311 | 675 | 23[illegible] | 4129 |

Population of Vandieman's Land ..... 3,754

Total Number of full Rations issued in New South Wales, and its dependencies ..... 6,700

Ditto for 1817 and 1818 .....

# CIVIL LIST.

| RANK. | NAMES. | Yearly SALARY. £. | s. | d. | STATION. |
|---|---|---|---|---|---|
| Governor | Macquarrie | 2000 | 0 | 0 | Sydney. |
| Lieutenant Ditto | Erskine | 250 | 0 | 0 | Ditto. |
| Ditto | Sorrell | 800 | 0 | 0 | Hobart Town. |
| Judge Advocate | Wylde | 1200 | 0 | 0 | Sydney. |
| Ditto | Abbott | 250 | 0 | 0 | Hobart Town. |
| Judge | Field | 800 | 0 | 0 | Sydney. |
| Clerk to Judge Advocate | Moore | 80 | 0 | 0 | Ditto. |
| Solicitor | Gosling | 200 | 0 | 0 | Ditto. |
| Ditto | Wylde | 200 | 0 | 0 | Ditto. |
| Provost Marshal | Gore | 91 | 5 | 0 | Ditto. |
| Surveyor General | Oxley | 273 | 15 | 0 | Ditto. |
| Deputy Ditto | Meehan | 91 | 5 | 0 | Ditto. |
| Ditto | Evans | 91 | 5 | 0 | Hobart Town. |
| Commandant | Cimitiere | 200 | 0 | 0 | Port Dalrymple. |
| Secretary to Governor | Campbell | 250 | 0 | 0 | Sydney. |
| Surgeon | Wentworth | 365 | 0 | 0 | Ditto. |
| Assistant Ditto | Redfern | 136 | 17 | 6 | Ditto. |
| Ditto | Mileham | 182 | 10 | 0 | Windsor. |
| Ditto | West | 136 | 17 | 6 | Paramatta. |
| Ditto | Evans | 91 | 5 | 0 | Newcastle. |
| Ditto | Luttrell | 182 | 10 | 0 | Hobart Town. |
| Ditto | Young | 136 | 17 | 6 | Ditto. |
| Ditto | Smith | 136 | 17 | 6 | Port Dalrymple. |
| Superintendants | Massey | 50 | 0 | 0 | Ditto. |
| Ditto | Sydes | 50 | 0 | 0 | Ditto. |
| Ditto | Boothman | 50 | 0 | 0 | Ditto. |
| Amount carried forward | | £8295 | 5 | 0 | |

# CIVIL LIST—*Continued.*

| RANK. | NAMES. | Yearly SALARY. £. | s. | d. | STATION. |
|---|---|---|---|---|---|
| Amount forward.. | | 8295 | 5 | 0 | |
| Chaplain ..... | Marsden..... | 350 | 0 | 0 | Paramatta. |
| Assistant Ditto ..... | Fulton ..... | 182 | 10 | 0 | Castlereagh. |
| Ditto ..... | Cartwright .. | 240 | 0 | 0 | Windsor. |
| Ditto ..... | Cowper ..... | 260 | 0 | 0 | Sydney. |
| Ditto ..... | Youl..... | 182 | 10 | 0 | Port Dalrymple. |
| Ditto ..... | Knopwood... | 260 | 0 | 0 | Hobart Town. |
| Superintendant..... | Hutchinson.. | 75 | 0 | 0 | Sydney. |
| Ditto ..... | Cossar..... | 91 | 5 | 0 | Ditto. |
| Ditto ..... | Rouse..... | 50 | 0 | 0 | Paramatta. |
| Ditto ..... | Hassall ..... | 100 | 0 | 0 | Ditto. |
| Ditto ..... | Crowder..... | 50 | 0 | 0 | Hobart Town. |
| Ditto ..... | Pierhouse .... | 50 | 0 | 0 | Ditto. |
| Schoolmasters..... | Bowden ..... | 100 | 0 | 0 | Sydney. |
| Ditto ..... | Caldicott .... | 100 | 0 | 0 | Paramatta. |
| Chief Constable ..... | Oakes ..... | 50 | 0 | 0 | Ditto. |
| Superann. Assist. Surgeon | Arndell ..... | 50 | 0 | 0 | Hawkesbury. |
| | | £10466 | 10 | 0 | |

N.B. The Commissariat Department is not included in this Estimate.

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Total Number of Prisoners in New South Wales, &c. ..... 6750.

*Vide* ABSTRACT, at the end of Shipping.

Pardons flow fast!!

39 Officers, including Staff.
32 Serjeants.
36 Corporals.
9 Drummers.
555 Privates.

} Total of 671, of 48th Regiment in South Wales generally.

# LIST of ARRIVALS from EUROPE, and their Departu

## from January 1816,

| NAMES OF | | TIME WHEN | | TO WHAT PLACE |
|---|---|---|---|---|
| SHIPS. | Commanders. | Arrived. | Sailed. | |
| | | **1816.** | | |
| Fanny, | Wallis, | Jan. 18th. | March 2d. | Batavia. |
| Mary Ann, | Arbuthnot, | 19th. | 28th. | Ditto. |
| Ocean, | Johnston, | 29th. | 16th. | Ditto. |
| Emu, | Forster, | | do. | England. |
| Guildford, | Johnston, | April 9th. | June 10th. | Batavia. |
| Dowson, | Gibson, | March 9th. | 28th. | Ditto. |
| Fortune, | Moore, | July 12th. | Aug. 19th. | China. |
| Atlas, | Mereton, | 22d. | Sep. 10th. | Batavia. |
| Willerby, | Crossett, | Sept. 20th. | Nov. 14th. | Ditto. |
| Elizabeth, | Ostler, | Oct. 5th. | 14th. | Calcutta. |
| Mariner, | Herbert, | 12th. | 17th. | Ditto. |
| Adamant, | Eldar, | | | Fishery. |
| | | **1817.** | | |
| Surry, | Raine, | Dec. 22d. 1816. | March 17th. | Batavia. |
| Lord Melville, | Wetherell, | Feb. 24th. | May 1st. | Ditto. |
| Fame, | Dale, | March 8th. | do. | Ditto. |
| Sir Wm. Bensley, | Williams, | 10th. | 16th. | Calcutta. |
| Morley, | Brown, | April 10th. | 18th. | Batavia. |
| Shipley, | Moncrief, | 24th. | June 8th. | Ditto. |
| Harriet, | Jones, | May 11th. | Dec. 22d. | England. |
| Chapman, | Drake, | July 26th. | 21st. | Batavia. |
| Surry, | Paterson, | 27th. | Nov. 8th. | China. |
| Pilot, | Pexton, | 29th. | Dec. 15th. | Batavia. |
| Matilda, | Somerville, | Aug. 3d. | Sept. 24th. | Madras. |
| Canada, | Greig, | 5th. | Oct. 24th. | Batavia. |
| Lloyds, | M'Pherson, | 30th. | Sept. 25th. | Madras. |
| Almorah, | M'Kiscet, | 31st. | Oct. 26th. | Batavia. |
| Dick, | Harrison, | Sep. 3d. | 8th. | Madras. |
| Lord Eldon, | Lamb, | 30th. | Dec. 4th. | Calcutta. |
| Foxhound, | Watson, | Oct. 19th. | Nov. 18th. | Fishery. |
| Duke of Wellington, | Howard, | Nov. 8th. | Feb. 7th. 1818. | Derwent. |
| Larkins, | Wilkinson, | 22d. | Jan. 6th. | Calcutta. |
| Ann, | Wilkinson, | (Arrived at Hobart Town.) | | |

from PORT JACKSON, NEW SOUTH WALES; January 1819, inclusive.

| NUMBER OF CONVICTS. | | REMARKS. |
|---|---|---|
| Males. | Females. | |
| 171 | — | |
| — | 101 | |
| 219 | — | |
| — | — | H. M. Ship. |
| 221 | — | |
| — | — | Merchandize. |
| — | — | |
| 187 | — | |
| — | — | Merchandize. |
| 151 | — | |
| 146 | — | |
| — | — | Whaler. |
| 150 | — | |
| — | 99 | |
| 198 | — | |
| 199 | — | |
| 175 | — | |
| 125 | — | |
| — | — | Merchandize. |
| 176 | — | |
| 162 | — | |
| 120 | — | |
| — | — | Trpops. |
| — | 89 | |
| — | — | Troops. |
| 180 | — | |
| — | — | Troops. |
| 220 | — | |
| — | — | Whaler. |
| — | — | Merchandize. |
| 247 | — | |
| — | — | Whaler. |

| NAMES OF SHIPS. | Commanders. | TIME WHEN Arrived. | Sailed. | TO WHAT PLACE. |
|---|---|---|---|---|
| | | 1818. | | |
| ocean, | Remington, | Jan. 10th. | Feb. 15th. | Batavia. |
| riendship, | Armett, | 14th. | May 20th. | Calcutta. |
| avid Shaw, | Ker, | Feb. 9th. | do. | England. |
| uildford, | Johnston, | April 1st. | June 3d. | Calcutta. |
| atavia, | Lamb, | 5th. | 4th. | Bombay. |
| ady Castlereagh, | Weltden. | 30th. | do. | Hobart Town, Madras & Bengal. |
| linerva, | Bell, | May 4th. | May 28th. | Ditto. |
| eptune, | Carne, | do. | June 10th. | Batavia. |
| laudine, | Welsh, | July 23d. | Aug. 19th. | Calcutta. |
| ndian, | Swain, | Aug. 9th. | | Fishery. |
| ambler, | Smith, | 25th. | | Ditto. |
| lory, | Pounder, | Sep. 14th. | Nov. 4th. | Calcutta. |
| abella, | Berry, | do. | | Ditto. |
| aria, | Williams, | 17th. | | Batavia. |
| ottenham, | M'Dougal, | Oct. 15th. | | |
| orley, | Brown, | Nov. 7th. | | |
| | | End of Muster. | | |
| | | 1819. | | |
| ipley, | Moncrief, | Nov. 19th. | 1818 | |
| lizabeth, | Ostler, | do. | | |
| ord Melville, | Wetherell, | Dec. 15th. | Jan. 12th. | Batavia. |
| arl St. Vincent, | Simpson, | 17th. | 23d. | |
| artha, | Apsey, | 24th. | | Fishery. |
| adlow, | Craigie, | 26th. | Feb. | |
| eneral Stuart, | Granger, | Jan 1st. 1819 | | |
| yne, | Bell, | 4th. | Feb. | Batavia. |
| lobe, | Blyth, | 9th. | March | Calcutta. |
| arriet, | Jones, | Feb. 10th. | 7th. | Fishery. |
| rry, | Raine, | March 4th. | | Derwent. |
| ord Sidmouth, | Gunner, | 11th. | | |

## ABSTRACT.

| Prisoners. | Males. | Females. |
|---|---|---|
| 1816 | 1,095 | 101. |
| 1817 | 1,952 | 188. |
| 1818 | 3,012 | 328. |
| 1819 | | |
| | 6,944 | 617 |

The whole Number of Convicts sent out in the Year 1819, amounted to 2,755;—of hom 2,630 were Males. 125 Females, who took with them 40 Children,—26 Girls id 14 Boys.

*-Continued.*

| NUMBER OF CONVICTS. | | REMARKS. |
|---|---|---|
| Males. | Females. | |
| 180 | — | |
| — | 100 | |
| — | — | Merchandize. |
| 200 | — | |
| 220 | — | |
| 300 | — | |
| 250 | — | |
| 170 | — | |
| — | — | Merchandize. |
| — | — | Whaler. |
| — | — | Whaler. |
| 170 | — | |
| 230 | — | |
| — | 128 | |
| 200 | — | |
| 164 | — | |
| 150 | — | |
| — | 100 | |
| 149 | — | |
| 160 | — | |
| 170 | — | Whaler. |
| 150 | — | |
| 250 | — | |
| 180 | — | |
| 140 | — | |
| — | — | Merchandize. |
| 157 | — | |
| 158 | — | |

## ERRATA.

Page 10, line 27, dele *and*.
—— 13, —— 15, for *whil. disapproving*, read *who, while disapproving*.
—— 41, —— 5, for *Committee's of Parliament*, read *Parliamentary Committees*.
—— 65, —— 18, for *Prisoner too is*, read *Prisoners to are*.
—— 69, —— 15, for *thousand* read *thousands*.
—— 81, —— 20, for *and*, read *it*.
—— 91, —— 14 & 15, for *two hundred and one thousand, two hundred and forty*, read *seventy-three thousand, three hundred and sixty-four*.
—— 103, —— 12, (note) for *enterprise* read *enterprize*.
—— 112, —— 14, for *enterprising* read *enterprizing*.
—— 112, —— 22, for *long term*, read *a long term*.
—— 115, —— 4, for *experienced*, read *experienced*.

W. Flint, Printer, Angel Court, Skinner Street.

A

# LETTER,

ADDRESSED TO

THE RIGHT HONOURABLE

## WILLIAM FITZGERALD.

*CHANCELLOR OF THE IRISH EXCHEQUER, ONE OF THE LORDS OF THE TREASURY, &c. &c. &c.*

Why he can smile, and murder while he smiles
And wet his cheeks with artificial tears
And frame his face to all occasions

*Henry VI. Part 3.*

*LONDON:*

PUBLISHED BY J. WILLIAMS, 267, STRAND.

OPPOSITE ST. CLEMENT'S CHURCH,

AND TO BE HAD OF ALL BOOKSELLERS.

1813.

W. Mitchell, Printer, Great Shire Lane, Temple Bar, London.

# LETTER

TO THE

## Rt. Hon. WILLIAM FITZGERALD,

*&c. &c. &c*

SIR,

I SHALL explain my motives for addressing you in this manner, not from the idea that any explanation is necessary; but that, should you be inclined to set up a defence, or offer any palliation for your conduct, you may not have it in your power to misrepresent my reasons for exposing it.

I am anxious, in the first place, to caution the Irish nation in particular, against the intrigues of one of the most vicious and profligate of men, who at present most mysteriously presides over

the *finances* of that nation, and who is to be its organ in the Imperial Parliament; and to put the people of the United Kingdom, as well those who govern as those who are governed, in possession of such important facts and information as may be conducive to their welfare; for I can with truth aver, that I have no attachment so strong, no claim so pressing, as the *public good*, except it be that first impulse of nature, self-preservation and maternal solicitude for the interest of my children.

The indifference, insolence, and ingratitude with which you have thought fit to treat one whom your duplicity made an unconscious tool to promote your crafty views, may be assigned as a secondary motive: but all your violated protestations of disinterested friendship and service, would not have procured you the honour of this public address from me, had you

been content to remain in that lowly sphere which is best suited to the mediocrity of your origin, your talents, and qualifications. Such, however, is the overweening arrogance and upstart pride displayed by you on the first success of your schemes, so lofty is the mark to which your unbounded presumption openly aspires, that I cannot resist the inclination to refresh your memory with the repetition of a few facts, which, in your dreams of ambition, you seem to have totally forgotten. If I have no hopes of inspiring you with humbler ideas of yourself; of kindling the glow of shame in your unblushing face; still less of exciting remorse in your callous bosom; I shall at least enjoy the satisfaction of answering the universal inquiries of *Who is he? What is he?* made by the people of the United Kingdom, when the recent appointment of a man whom they had never heard of, to one

of the highest offices under the Crown, was publicly announced.

You have been but too long permitted to proceed in your bold career of profligacy and political intrigue, without check or molestation; not, however, without being closely observed on my part, and the fixed determination, now that I am convinced of your baseness, to exhibit you to the public in your true colours, to reduce you to your proper nature, to shew you that the same person and means which served to exalt you can frustrate the magnificent plans of your ambition, and teach you by experience the instability of that greatness which is acquired by hypocrisy, and supported by ingratitude. I will expose the scenes of art and duplicity practised by you upon his Majesty's ministers, as well as upon my unsuspecting and ingenuous disposition, under the direction of a father truly

worthy of yourself, and of whom I shall presently have occasion to speak more fully. Your crocodile tears, which, upon suitable occasions, flow with such tragical effect, were employed to accomplish the destruction of what might justly be considered a treasure to me and my family; and to procure a provision for yourself as a reward for this service. Having artfully accomplished this your task of corruption and villainy, you perhaps have flattered yourself, from my silence till the present moment, that I should suffer the public to be farther duped by your machinations, and permit you to repose under your laurels, to bask unmolested in the sunshine of court-favour, and to pursue, without interruption, your course of fraud and servility. To your confusion you now find, Sir, that you are more than mistaken: I shall analyse your qualifications for the high office with which you

are already invested, and the still more exalted station to which you aspire; I will expose so much of your history as has fallen under my observation, and predict for the remainder of your life the same sort of *honourable* seclusion that so well befits a Whitelocke, a Wardle, and a Clavering.

On this occasion I am guided by the general principle that has regulated my whole life, never to suffer ingratitude, one of the blackest of crimes to go unpunished, or hypocrisy, sinister artifice, and duplicity unexposed. You assumed before me the appearance of every virtue, that you might the more securely practise the directly contrary vices; but your real character shall now be proclaimed to the world, and serve as a beacon to warn others to shun one of the most crafty impostors that exist. You shall afford an *additional* example that none, be his rank ever so ex-

alted, shall, with impunity, trifle with my feelings, or dupe me by delusive promises made to suit his private convenience, or to promote his selfish interest. That I have hitherto acted up to this principle is notorious to the world; and I wish to impress it upon *your* mind, that when stung by injury, I would *enforce* redress not only from the Son of the King, but even from the King himself.

As yet I have *shewn up* no one who did not richly deserve to be exposed to the public: this is the only revenge I am desirous of taking on those by whom I am ill-treated; and having brought them before that tribunal, I rest perfectly satisfied that impartial justice will be administered. My adherence to this principle is clearly evinced by my never having done or written any thing with a view to private emolument, as gain never had sufficient

temptations to influence my conduct in any one instance.

This hint I have just thrown out by the way, as a caution to those who either do not know or require to be reminded, that *it is not my disposition to sit down quietly under the studied injury of ingratitude, and the neglect of promises given to dupe or cajole me, by men who never meant to perform them, or who think that they may, at any time, be broken with impunity.* For the benefit, therefore, of all whom it may concern, I here announce my intention of submitting to the public, in a very short time, two or three volumes, which may be followed by others as opportunity shall suit or circumstances require.

Before I proceed to the discussion of your own merits, give me leave, Sir, to devote a few pages to those of your worthy father. Whatever opinion may be

entertained respecting the policy of the Union between Great Britain and Ireland, so much at least cannot be denied, that the means employed to accomplish that measure were the powerful engines of bribery and corruption. It is equally well known that a certain Lord, having first been gained over by the British administration, was employed as their agent to corrupt the other Irish representatives. One of these was your father, James Fitzgerald, who, at that time, held the post of Prime Serjeant; how obtained, I may at some future time explain. To him, among the rest, terms were offered, but they did not quite come up to his price. It was proposed that he should receive the appointment of a judge, that his wife should be created a peeress, in her own right, the title to descend to you the eldest son, and that a patent place should be given to your brother Henry: all this

was not sufficient to gratify the ambition and avarice of your apostate parent, who insisted on the addition of money to support the proffered title. To this demand objections were made on the part of the British ministry; on which your father turned his services to the other side.

The office of Prime Serjeant was taken from him for his tergiversation; he then, of course, avowedly attached himself to the party in opposition; and no sooner did he receive information that the latter, since distinguished by the name of the *Talents*, were coming into power, than he hastened to London, in hopes of obtaining a share of the good things that were to be distributed. In this lingering expectation he was miserably disappointed: the leaders of the ministerial pack were too well acquainted with his sly character; they knew that he was not staunch, that no reliance was to be placed on his

professions, and that if they had received his support, it was solely because their opponents had not offered him a sufficient bribe. They were, therefore, in no hurry to reward services for which they were sensible that they owed no obligations, and support of which, when most needed, they might be suddenly deprived.

During this period of suspense, he was running about in all directions, and with exemplary obedience to a well known injunction, making himself *all things unto all men.* I need not remind you, that I was then in a situation which gave me some political influence. To this rather than to any real friendship, I may ascribe his servile visits, at which, he retailed all that he heard and saw among the *Talents,* respecting their proceedings and intentions; though he knew that those with whom I was then most intimately connected belonged to the opposite party.

I discovered, however, that, from a spirit of boasting and an affectation of consequence; he communicated, as facts, things of which he had but an extremely vague knowledge, or which were entirely of his own fabrication. Among many other pieces of intelligence which he brought me in this manner, he one day, declared most positively, that "*he had just left Mr. Fox, and had actually read a Memorial to the King, praying him to dismiss the Duke of York from the office of Commander in Chief, which was signed by that minister and his colleagues, and which he was to present the very same day to His Majesty!*" This story I reported to a person whom it very nearly concerned, and whose reply was, "that the whole was a fabrication of your lying father's; that no such paper could have been drawn up by the ministers, to whom his Majesty had declared, in the first instance, that he would

not suffer them to interfere with the Duke of York; and as this was understood to be one of the conditions upon which they were admitted into power, it was impossible they should now attempt to violate the engagement." This representation was duly made by me to my busy *Marplot*, who, with his characteristic falsehood and effrontery, persisted in his statement. At the same time, I did not hesitate to give implicit belief to the contrary account; as I knew that Mr. Fox, so far from being inclined to shew any enmity to his Royal Highness, was disposed to conciliate by respect, and concession, being just then intent on accomplishing a favourite object of equal delicacy and difficulty, I mean the introduction of Mrs. Fox at St James's.

The following circumstance affords a striking illustration of the baseness and treachery of this subtle intriguer to one,

to whom he was incessantly repeating his protestations of the warmest friendship and regard. The Duke of York, soon after our separation, wrote a letter to me, in which he pledged himself by every thing sacred to educate, protect, and provide for my son as long as he lived. This letter I placed in the hands of your father, as a friend and trustee, that, in case of my death, or any neglect on the part of the Duke, he might, as far as possible, enforce compliance with this engagement. When I first had reason to suspect the fidelity of this most *disinterested* of friends, I wrote to him requesting him to restore the letter. To this application he returned for answer: "*I have destroyed it.*"—Words are inadequate to express the indignation which I felt at this traitorous conduct to an innocent child, whose sole dependence for a provision in life was upon *that* letter, and who

was now basely deprived of this his only guarantee: to say nothing of his flagrant ingratitude to myself, who had saved him and you with all your family, from ignominy and utter ruin by secreting his venal correspondence.

I have made it my business to ascertain whether such conduct is the habitual practice of this political intriguer, and the result of my inquiries of several persons, who have known him all his life; both in and out of his profession, proves, that this disposition runs in the blood of your family, and that this baseness is innate, and hereditary in you all, and proverbial in respect to him.

These facts are selected from among the many which I could produce, to shew that you are at least not the degenerate offspring of a double-faced, deceitful father, who is ever ready to practice any sneaking tricks; to betray either friend or foe; to practice the foulest perfidy for the

purpose of advancing his own family and fortune, and insinuating himself into the favour of the great; and to traffic away his hardened conscience and mercenary services to the highest bidder.

According to current report, he anticipates the appointment of Master of the Rolls in Ireland, as a reward for his servility while member for Ennis, the rotten borough, a moiety of which he bought but never paid for; which he has since resigned to you, who wished to give your silent vote against the Catholics, but were not permitted, and where out of twelve or thirteen electors eleven are of your own family and name. Here again your worthy sire is selling his country, as on a former occasion, when he could not obtain his price from ministers for his support of the union: so that this trading politician is always engaged in the dirty work of corruption, and always determined to make a job of every incident

with which he is connected, as his whole life sufficiently demonstrates.

It would scarcely be possible to sum up his character in fewer words and with greater accuracy, than by applying to him a saying, which, as he informed me himself, was used by his old professional associate, poor *Bully* Egan, respecting Lord Norbury, the present Lord Chief Justice of the Court of Common Pleas in Ireland, that "*he had a hand for all men and a heart for no man.*"

After these remarks on the character of your insidious father, I shall now direct my attention to your own.—Your father as you well know intended to bring you up for that profession of which he is himself such a distinguished ornament. This design he abandoned dreading lest the necessary application should impair your sight, the weakness of which was considered as an hereditary infirmity. Little did

he suspect, such was your habitual duplicity even towards him, that the injury which your sight had sustained arose from your incessant nocturnal practice of gambling. What proves this destructive propensity to be an inherent radical vice, and renders it infinitely less excusable in you than in many others, is, that no pecuniary necessity, no want of ample means to support you in the genteel ranks of life, ever drove you to the gaming-table. This I can affirm, as it was principally owing to my recommendation, when consulted by your father, that on two occasions, when you went to the University of Oxford, and when you left it, he increased your allowance from mediocrity to liberality; in the hope of preventing if possible your perseverance in those habits of gambling and general profligacy, which had, however, unhappily become a kind of second nature.

Here let me remind you of your father's emphatic expression that "*he would rather associate with a murderer than with a gambler.*" Little did he think how severe a censure he was then pronouncing upon his hopeful son. This horror of gambling is certainly creditable to his judgment, as no vice is so incompatible with the character of a man of business. Was it not this pernicious propensity, as predominant in Mr. Fox as yourself, which so long prevented the Empire from reaping the benefit of his pre-eminent genius and abilities? That statesman affords a remarkable example that even a great mind, when under the sway of this baneful passion, is wholly regardless of moral duties, and insensible to the charms of honourable distinction. A short time after the memorable coalition, Lord North intimated to Mr. Fox that he ought to be more assiduous in his attendance in Parliament,

and in his support of the administration, otherwise he must lose his place: to which Fox coolly replied, that "this loss would give him very little concern, as he won more in one night at the gaming-table, than his place produced in a whole year?"

After these remarks on your *ruling passion* I shall proceed to the consideration of your base and ungenerous conduct towards me.—I need not remind you, for the circumstance must be pretty deeply impressed upon your recollection, that during the memorable investigation before the House of Commons in February, 1809, Mr. Perceval illegally obtained possession of a considerable number of my papers. It would be equally unnecessary to enter into the nature of their contents: suffice it, therefore, to observe *here*, that many of them were letters addressed to me by your father, the publication of which must have blasted all his plans of aggrandize-

ment, and plunged himself and his family into eternal disgrace.

Aware of the danger to which you were both exposed, after repeated struggles with yourself, you mustered courage sufficient to speak to your friend, Colonel Wardle, and to inquire respecting my sentiments and intended conduct towards you. His reply was, that he was certain so long as you behaved with propriety, I had no wish to injure or expose either you or your father. On receiving this assurance, overpowered at once with conscious guilt, and joy at the idea that it was likely to escape public detection, you fell swooning into the arms of the immaculate patriot, who, having already a sufficient load of his own to bear, could scarcely support the additional weight of you and all your misdeeds.

I had promised Lord Folkstone, in the event of the restoration of these letters to

me, to permit him to read them, with the proviso, that *no use whatever was to be made of the information which he might thus obtain*. With this promise you were acquainted, and through you it soon came to the knowledge of Perceval, who, when his lordship proposed that the papers in question should be delivered to me, strenuously opposed the motion, under the fallacious pretext, that they were the property of the House of Commons. But who could be surprised that such an artifice should be resorted to by the man who, when documents of the utmost delicacy and importance were intrusted to him, as the selected friend and professional adviser of an unfortunate Princess, converted them into an engine of political intrigue, in violation of every principle of honour and common honesty, and in breach of the high and sacred trust committed into his hands?

On this declaration, some of the members impelled no less by a very natural curiosity than by motives of public duty, signified their intention of moving, that these papers should be read before the whole House. They had already been examined by a Secret Committee, of which *Spy* Croker was a member: from him you first received intimation of their contents, though it is well known, that all who compose a committee of this kind are *sworn to secrecy*; but with a man of Croker's character, weak indeed must be the obligations of honour and conscience. Perceval, who had not anticipated this turn to the affair, was now convinced, that nothing less than the destruction of these formidable testimonies, could save the reputation of the persons whose characters they impeached.

Your father's letters, copies of which I subjoin, shew how keenly sensible he was

of the mischievous consequences which must have ensued from the publicity of those so generously destroyed, and which must have banished him and you, not only from the House of Commons, but from all honourable society, for ever. Knowing how deeply your interests were involved, your political master and prototype employed you as his agent, to accomplish the destruction of *witnesses which it was impossible to corrupt*; and but too well did you succeed, under the mask of the most disinterested friendship, in luring my credulity into an acquiescence in all your plans.

To avoid the appearance of any sinister motive, or political intrigue, it was then suggested by the wily minister, that one of the opposition members should move for the restoration of these documents. This business was, therefore, undertaken by Sir Thomas Turton, who, as the pro-

fessional friend of General Clavering, could not but rejoice in the opportunity of putting them out of the way of doing farther mischief. He accordingly carried his motion, and obtained the letters, but not the *possession* of them; *for it was not till you had obtained my consent to their destruction, that Perceval would allow them to be given up at last.*

Various circumstances combined to render you a very fit tool for carrying this scheme into execution. Exclusively of an hereditary disposition to lend yourself to any dirty job, you had here a double interest at stake. By serving the minister, and consequently the Duke of York, the Royal Family, and the whole court-party, you established a claim to their future patronage and support; while a still more urgent reason impelled you to make every exertion for the destruction of evidence, so inimical to your ambitious projects.

Thoroughly sensible of your critical

situation, and unable to rest from anxiety, irritation of mind, and the dreadful anticipation of impending ruin, you hurried to Westbourne Place at the unseasonable hour of six in the morning, roused my servants, alarmed the whole house, and insisted on seeing me, "as you had something of the very highest importance to me and my family to communicate." Then suffusing my drawing-room with those *manly* tears, the flood-gates of which you have so theatrically at your command, with eyes swollen till they could scarcely see, and a voice so stifled with sobs as to be almost inarticulate, you howled forth the guttural complaint of your rending heart, concerning the miserable, deplorable, committed and never-to-be-endured situation, of your unhappy father and family, the complete disappointment of all your objects in life, the interruption of a most desirable match for your sister, (who was just then on the eve of marriage with

Mr. Mahon, a gentleman possessing a fortune, as you told me, of 6000*l.* a-year, and cousin to the *Most Noble* and *Right Honourable Lying Nautical* SLIGO,) and the irretrievable disgrace in which you would all inevitably be involved by the publication of these letters in your father's *own hand-writing*. Your apprehensions, it is true, were not without foundation; for those dreaded letters contained instructions to me to obtain patronage either to dispose of for his own emolument, or to sell for me, and stating the terms of his participation; in a word, a proposal to be my agent-general for Ireland for those purposes. In one letter only he had the modesty to apply for *twelve* ensigncies, to be distributed in the county of Clare, to purchase votes in favour of your return to parliament for that county, for which you meant to offer yourself as a candidate.

These letters, when committed to your charge by Mr. Perceval, you engaged by a promise the most sacred that can possibly be given, to bring to me to be destroyed, *without opening the envelope which contained them, or seeking to learn any part of their contents.* This solemn engagement you violated with the most bare-faced impudence, first urging me to allow you to read them, and afterwards reconciling the breach of faith to your easy conscience, by the pitiful subterfuge of making me read them to you. In consequence of your pertinacious determination to know the contents of every one of these letters, several hours were occupied in the work of destruction. I was the more easily induced, I must acknowledge, to comply with your intreaties in this instance, as you had paid one hundred guineas to Nicholls of Hampstead, for his order to the House of Commons to restore those

letters to me, instead of returning them to himself. This circumstance tends to shew the value which you set upon these documents; and their importance is farther proved by the fact, that Mr. Perceval, after he had obtained them by stealth, and kept them by force, would not suffer them to be returned to me upon any other condition than their absolute and immediate destruction: a more infamous fraud, and a more cowardly act of oppression, was scarcely ever committed. In the next place, you, Sir, came as a political pirate, as his agent and accomplice in this robbery, to ingratiate yourself with ministers, and to serve your own sordid purposes, by cajoling me into an assent to the burning of these papers, which might have exposed much villainy, and been productive of great public benefit.

Your master, Perceval, seems to have been well aware of your mischievous cha-

racter; for according to your own confession, he laid on you the strongest, strictest, and most sacred injunction, not to possess yourself of one word of the contents of the letters when he committed them to your charge. But *self* predominated, as usual, over every tie of honour; and your observation to me on this point was: "How much the perusal would put OTHERS *in your power, and how greatly it would add to your influence, and thus enable you to serve me, and my family the more effectually.*" Did you not protest that such was your sole object for so flagrant a violation of your promise? did you not confirm this with the most solemn oaths, imprecating your God to witness the sincerity of your intentions? and has not your subsequent conduct clearly convicted you of deliberate perjury on this occasion?

It was some of the letters in question

which proved Clavering to have forfeited all pretensions to the character of a man of honour, as these written evidences, when produced, were found to contradict the whole of his oral testimony; which sent him to Newgate, and have since consigned him to that merited obscurity, from which all his *fame* as a duellist has not been sufficient to rescue him.

To your insidious efforts for the destruction of those formidable letters, and to them alone must be ascribed the elevation of one so young and inexperienced to some of the highest offices in the state, to which are attached vast emoluments and extensive patronage. From their ashes the world now beholds you rising like a phœnix; and as the origin of that fabled bird defied inquiry, so has the cause of your exaltation hitherto eluded the researches of the most sharpsighted: but be assured that *I* am not to be dazzled by

the splendour of your new plumage, or to be overawed by your ill-gotten importance.

In support of the preceding assertions and observations, I shall now submit to your perusal a few documents, fully aware of the importance of such vouchers, by which my testimony when placed in the most arduous situations has been corroborated and established. The welfare of the country, the honour of the government, the safety of your coadjutors in administration, which might be compromised by that spirit of intrigue and duplicity which has incessantly actuated both your father and yourself, imperiously demand the disclosure of whatever can place your characters in their true light. In this instance my veracity will bear as strict a scrutiny as when a few years since its effects produced important political events and reached the most elevated individuals.

From the letters of your father in my possession, I shall introduce the following, to shew how warm a friendship his tongue and his pen could profess, while his whole soul was intent on serving his private interest; and likewise how deeply sensible he was of the dangerous situation in which the correspondence so often alluded to, had placed him.

"*The arrival of the mail has this evening brought Thursday's papers—has relieved me, interested and anxious as I must be for you, from the most painful suspense and apprehension; and most heartily do I congratulate you on your triumph. William is above seventy miles from town, and I am sure equally anxious: he will, however, get the papers before dinner to-morrow, and will, I am sure, dine more to his satisfaction than he has done. Let me advise you to moderation in this event, and abstain from*

*any conversation on the subject which may subject you to further persecution, or bring your dear girls into public notice. I was happy to hear that they knew little, if any thing, about what was going on.—I am, and have been for some time, very miserable about William's state of health, and can't make out what is the matter: he is never two days well. I am in great hope to cross the water Where is George?*

*"I cannot express the relief the load of which the arrival of the mails has removed. Adieu—Believe me most sincerely your's."*

*"My Dear Friend,*

*"However sorely I may have felt, that letters written in the fullness of confidence should fall into hands for which they were not intended, I could never have supposed you capable of acting so ungenerously as to have, intentionally, exposed them*

*to such a fate. I never doubted that if you could regain them, that you would give them to William, who participated of my uneasiness on the subject.*

*"I do for many reasons, but particularly one interesting to you, lament that I was not in England last year; though I doubt whether I should have been able to have been a regulator, as you say I would have been if settled in London, to any useful purpose.*

*"Whenever any rational plan for your independence shall be formed (and which can only be done by annuity,) you will find me as anxious to promote that object as I, from the first of our acquaintance, have been.*

*"I return your letter as you desire.—The fate of those unfortunate ones has taught you experience; but I never kept a paper for a moment which ought not to come into any hands but my own; and after two or three readings I should have burnt it. Your letter*

*I consider as dictated by kindness in the extreme, to remote any apprehension I might have on a particular point, and bespeaking a recollection to which I am not insensible; but in the lines underscored there is a mystery which certainly gives me no little uneasiness, and which I trust you will, in continuation of your kindness and friendship to me, explain under the same confidence. Of your ability and inclination to give good advice I have been always convinced, and often lamented that you did not always follow the direction of your own good sense rather than the weaker counsel of your friends. Of your advice in the quarter which you allude to I have no doubt. I think it highly probable that I shall, before next winter, settle in London.*

*"If I shall write much on this side you will have three or four shillings to pay for a letter acknowledging your kindness, which I*

*so highly prize, and my own sincerity and regard, of which I trust you have no doubt.*

*"Adieu—God bless you."*

*"March 31st*, 1809."

"June 27th, 1800.

*"That I did not write to you was not owing to any change or abandonment of my regard for you and yours—but the delay of recovering those unfortunate papers; the conduct of the person to whose management you left the business,* (Lord Folkstone) *his bringing forward a measure in which, if he had succeeded, they must have been involved, and the apprehension of a dangerous personality if he had, so disconcerted me that I could not write. I was in hopes that you would have informed me, that you had made such a disposition of the money as would materially increase your income, and secure it for your girls whenever you might think proper to*

*share it with them: that is a subject on which I am very anxious, and which I wish to press seriously upon you.*

"*I hold my intention to go to England in the month of August, and wish to know how you mean to dispose of yourself, and where it is likely I might be so fortunate as to meet you. I have a strange curiosity to know who Miss ——— is, who accompanied you. Is she the niece of Lord ———?*

"*It is, I trust, unnecessary to say how much and how sensibly I feel your anxiety to recover those papers, and your conduct when they were regained. With sincere affection for your girls, George, and yourself, believe me most faithfully yours.*"

The following letter from yourself will also serve to shew the apprehensions entertained by others respecting the publication of that correspondence which filled you with such terrors.

" *My Dear Madam,*

" *(How formally I write)*—*I am sorry that I am so much pressed for time that I cannot have the pleasure of seeing you previous to my leaving town.*—*Mrs. J., I told you, desired me to call on her this morning: she is in great anxiety and agitation: some good-natured friend has told her that you intended publishing her letters, and introducing her into your Memoirs: I requested her to have no uneasiness on the subject: and took upon myself, from my knowledge of your disposition, and of your sentiments too, to assure her that nothing was further from your wishes than to expose her or any one else unnecessarily, and that you had told me, you meant to burn all the letters when you get them back.*

" *She spoke with great kindness and regard of you, and would not, she said, have*

*apprehended any thing if she had not been told of it by friends who were interested for her.*

"*I have not a moment to delay—it is now past three o'clock.*

"*Adieu, and believe me*

"*Yours faithfully,*

"*W. F. G.*"

Here, then, the public has a clue to your promotion. As your friend Croker, an animal equally contemptible and insignificant with yourself, for his officious persecution of *me* obtained the appointment of Secretary to the Admiralty; so your assistance together with that of your Judas father, to defraud me of my property has made you a Lord of the Treasury and Chancellor of the Irish Exchequer. What interest indeed could your family possess to raise you to such distinction, when your father was in treaty with me to

procure for you the office of Muster-Master of Ireland? This was one of the many subjects of those letters which justly filled him and you with such consternation.

What have I not suffered, in innumerable instances, from calumny and misrepresentation, from malice and ignorance, rather than clear myself by divulging what was intended to be secret, and what I thought myself in honour bound to hold sacred! *If I now appear to pursue a different conduct, let it not be ascribed to malignity, but to that ingratitude, that contumely, that insolence of office which wantonly tramples under foot the most solemn obligations.*

It cannot be difficult for any one to form a just estimate of your pretensions to honourable sentiment and feeling, who is informed of the situation of your aunt, the wife of your father's brother, who

holds the office of Clerk of the Crown, a place which your father's interest procured him, *and the salary of which his avarice shares.* This unfortunate woman is permitted to support her existence by walking the *pavé* of Dublin, in a state of the lowest and most abandoned prostitution, while you are reaping the golden harvest of moral and political prostitution. This scandal you are not at the pains of removing, because it is a fact of somewhat less notoriety, and less calculated to attract public notice than the fate of your wretched kinsman, your first cousin, one as nearly allied by blood as it is possible to be, an own brother excepted, who suffered the just sentence of the law for horse-stealing. Willing to give you the credit you deserve, I must acknowledge that you exerted all the influence you possessed, to prevent the execution of the unhappy culprit. To this end you

wearied your friends with your solicitations: but I am not to be deceived by this external appearance of feeling, as I know that it is the motive rather than the action itself which illustrates the character. Your interference on this occasion is to be attributed solely to the apprehension, lest some portion of the disgrace incurred by this malefactor should be reflected, in the public opinion, upon his kindred. You will not relieve the necessities of your aunt, neither would you, by affording timely assistance, prevent the other wretch from committing the crime by which he forfeited his life; but merely through pride, vanity, ostentation, and parade of feeling, you endeavoured to avert the just vengeance of the law, lest it should injure your own character in the public estimation, and militate against your interest by thwarting your prospects of preferment.

Your character, indeed, needs no accessary guilt, no reflected disgrace; it is already of so deep a dye as not to require any foreign shades to heighten its blackness. What must—I will not say every good man—what must the world in general think of him who deliberately seduces the wife of his intimate friend; who, by the exertion of his corrupt influence, causes the husband to be sent to an unhealthy climate, in the flattering hope that disease will speedily sweep him into the grave; who then indulges his licentious passion without restraint; and who, when its effects are likely to become apparent, drugs the unconscious victim of his debauchery, that at the risk of her life he may relieve his apprehensions, by destroying the innocent witness of his guilt, and spare his avarice the sacrifice of a pittance for its support? Gracious God! can such a cold-blooded monster exist, as would not hesitate to

extinguish the spark of vitality in the form of a beautiful, young, and tender female, of unblemished virtue and reputation, till seduced, dishonoured, and degraded by himself? Such a monster, alas! can exist: but who will believe that he is to be found in the person of a senator, a legislator, a privy counsellor, and adviser of the state—in the Chancellor of the Irish Exchequer, a Lord of the Treasury, &c. &c. ! ! !

Well you are aware, Sir, that I am not speaking without a thorough knowledge of the circumstances which I am recalling to your memory—circumstances for which I am not sure that I have the best authority, but that authority is *your own*. When you mentioned this atrocious affair to me, compassion induced me to endeavour to alleviate the situation of an unfortunate creature of my own sex, too

often the dupes and the victims of designing villains like yourself.

When the unhappy woman, languishing under the effects of the deleterious drugs administered by your treacherous hand, seemed hastening in the flower of life to a premature grave, fear of the husband's vengeance, and the apprehension of being called to a public account in the event of her death, impelled you to consult me how you should act, and to intreat me to use my influence to procure a respectable asylum for the unhappy female. It is to this subject you allude in the following note :

"3 o'Clock, Sunday.

"*I am just leaving town, but I entreat of you to make the inquiries which you promised me yesterday.—You may well judge of the state of anxiety I am in.*

"*I shall be back I hope early to-morrow: but in the event of my being late, pray send a note to the* Union Club, *to say where-about at the Opera I may find you to-morrow night.—I shall see you I hope though before that time. Do not hint in your note at what I want you to inquire about. Adieu.*

"*Yours ever.*"

That not a grain of feeling or affection for her whom you had reduced to this miserable state, had any share in your uneasiness was but too evident from the course which you afterwards pursued. When, with a torrent of selfish tears, you bewailed your unhappy situation, did I not instantly, in compliance with your request, endeavour to procure a respectable asylum for the victim of your seduction? In this attempt was I not so successful, that any woman, whatever might be her rank or her wealth, would, under

similar circumstances, have had abundant reason to congratulate herself on her good fortune? My recommendation would have introduced her into the house of an excellent physician and his amiable and accomplished wife, whose native goodness of heart, exclusive of their friendship for me, would have secured her all the attentions that the medical art and humanity can bestow. And how soothing must these have been to one in her situation! Struggling with pains of body, pains inflicted by you in different ways, and anguish of mind of which you also were the author, I need not say how grateful it must have proved to her to exchange the society of a wretch, who was at once the father and the assassin of her unborn infant, and who had well'nigh been the murderer of herself, for such a retreat. But the study of her comforts, the alleviation of her distresses, the healing of her wounded sensibilities,

formed no part of your plan. My friend, a man whose moral principles are as pure as yours are depraved, though he cheerfully undertook the care of the unhappy lady, refused to sanction your criminal intercourse, or to permit your visits. According to your invariable practice, every other consideration was now sacrificed without scruple to your private gratification: and consulting no other interest, you rejected an offer more desirable than the most sanguine wishes could have anticipated, and took a house at Twickenham for the woman whom you had ruined.

Your feelings at this time in regard to the poor creature, may be pretty accurately guessed at from the subjoined note, the blank in which doubtless means more than meets the eye.

"*My Dear Friend,*

"*I thought I should have seen you yesterday; but I could not get to town: nor can I to-day: to-morrow I hope to* escape *from this neighbourhood: and when I pass four days more at Twickenham I deserve* ————

"*I shall not be in town until late to-morrow, and I wish I might find a note by the two-penny post at the* Union Club *on my arrival, to say when I shall see you.*

"*Yours ever faithfully.*"

Not long after the removal of this unfortunate lady to Twickenham, she was discovered by her mother, who, with a caution to which at this moment you perhaps owe your life, contrived to send her father out of the way to Ireland, and then rescued her child from your barbarous clutches. How well you could

counterfeit the language of fondness and distraction, when in a note addressed to me, you informed me of the circumstance in these terms :

"*I was right in my conjectures—it was her mother who found her out and took her away in a post-chaise.—I am the most miserable of wretches.*"

It was not long before a still-born infant, a spectacle so frightful that even a medical pen would recoil with horror from the description, attested the virulence of the fatal potion, by which the unhappy mother herself was brought to the brink of the grave.

After the statement of these facts, you will scarcely have the audacity to deny the confidence which you placed in me, and the interest which you pretended to take in all my concerns. It was not verbally alone that these assurances were

given; they were repeated even to nausea in all your letters, two additional specimens of which shall here be inserted.

"*Esher, 8th July.*

"*I was not able to call on you the day I left town, though I left home for the purpose, but being completely drenched with rain, I was obliged to leave town without seeing you. I now write to request that you will let me hear from you. You know I must always be anxious and interested about you: and now more so than ever. Pray write to me, and let me know what you are doing: let me know all that relates to you, and believe me ever yours most faithfully.*

"*P.S. When do you go to Cowes? I stay at Cheltenham for a week, thence I go homeward.—To-morrow I set out for Oxford.*"

"*I have been detained all day by irksome business, which has made me so late in setting*

*out that I cannot make the King's Road my way as I intended out of town. I dine at twenty miles from London, at six.—I hope you will be* amused *to-night. I wish I could meet you at the Opera.*

"*I return at the beginning of the week to Oxford. You could accelerate the going to Cowes.*

"*Adieu.*"

"*Now I must make up for all my many vexations, they are heavier and manier than you think.*

"*Adieu.*"

Among other acts of kindness which I might mention, if it would not appear too much like ostentation, I shall only remind you of the offer I once made to lend you *five thousand pounds*. After a run of ill luck at the *gaming-table*, you had prevailed upon the master of the Union Club House to quiet the winners by

giving them his own bills, which, at the time of which I am speaking, were nearly due. Totally ruined by your loss, and embarrassed with the female whose story I have just related, you declared that it was your fixed determination to end all your troubles at once by shooting yourself; but this, I suppose, you wanted the spirit to put in execution. It was as well from pity for the unfortunate woman, as for your own situation, that I proposed to lend you the above mentioned sum, advising you to give part of it to her, to pay off some portion of your gambling debts with the remainder, and then to go to Ireland till your father might be able to assist you to retrieve your affairs; and repay me.

It is this offer that you acknowledge in the following note; you declined it, and the smiles of fortune soon enabled you to retrieve your losses at play; having at one

sitting won four thousand pounds, and pocketed, during the last year only, no less than twenty thousand, at the favourite game of *Maccaw*.

"11 *o'Clock*,

"*I will endeavour to write in bed, and to thank you for your kind note and your most affectionate offer. Your advice I will follow if I can—but the offer I must refuse—do not think I do so without feeling most obliged for it—you are the best and most generous creature in the world, and from my heart I thank you for it*—but I have now gone too far to stop—*Again adieu*; *I write but illegibly—in bed—alone—and so much the better, for I am miserable.*

"*Adieu.*"

Your conduct to the sex in general is equally dishonourable with your treatment

of the unfortunate female, of whom I have already spoken: indeed it has become proverbial among all to whom you are known. Respecting her, you protested that *you would never marry a woman so disgraced, even though yourself were the cause of her dishonour.* You farther declared to me, that though Lord Dillon had used all the means in his power to bring about a match between you and one of his daughters, you would not debase the blood of the Fitzgeralds by such an alliance, *because they were bastards,* and that the same objection had induced you to decline a similar offer from Marquis Wellesley. But where is your birth or rank, or talents, or hereditary property, where are the pretensions of any kind that authorize you thus to spurn with contempt the children of the noblest families? you who are destitute of all these—you whose grandfather, roguish Billy Fitzgerald of Ennis, was a

poor pettifogging attorney, whose father owes his advancement in life, not to merit, but to the dirty arts of political intrigue, whose aunt is a common street-walker, and whose cousin was hanged for horse-stealing—you whose whole conduct since your first entrance into the world has been a tissue of infamy and complicated guilt?

This your supercilious disdain, and the total want of feeling which marks your treatment of the sex, will doubtless meet with a just retribution in the scorn and abhorrence of every woman of delicacy and refined sentiment; and I predict that when you cease, as you shortly must, to disgust the ears of your auditors at St. Stephen's with your *brogue*, it will be your doom, exiled to some lonely cell, there to *pass the remainder of your days in the unenviable society of your hoary, superannuated MONCK*.

The last point which I shall notice is

your assertion in the different circles which you are in the habit of frequenting, that your father's letters to me were confined to the subject of gallantry. You doubtless expected, that the same unblushing impudence and effrontery, to which you have been indebted on other occasions, would gain credit for this base assertion; but I here declare in the most unequivocal language, and in the most positive and direct manner, that you not only lie, but lie knowingly and wilfully, and merely to anticipate and evade the question respecting the purport of those letters. The vouchers which I have introduced prove the falsehood of your assertion, and particularly the letter in which he acknowledges the inestimable service I rendered him, by permitting the destruction of the witnesses of his venality.

After this, I should not be at all surprised to hear, that you assigned the same

cause to the frequent visits with which I was formerly harassed by yourself. That such may have been in part your motive for them may possibly be true; for well I remember how I was daily tormented by your fulsome protestations, and that you had even the insolence to be sighing your love for me, at the very time when you were acquainting me with the circumstances of your illicit amour. But powerful indeed must be the attractions of that man, who while exhibiting a heart as black as yours, can excite one tender emotion in the female bosom!

I have shewn by what means you acquired the blushing honours which you now bear so thick upon you; and which according to report, are to be swelled with a *Peerage!!* You imagine, perhaps, that the ermine will be a convenient cloak for your moral deformities, and that the possession of a coronet will compensate for

the want of every kind of merit; but give me leave to ask, whether you will ever be able to look at the animal which forms your appropriate crest, without calling to mind your grovelling origin?

Though enjoying prodigious emoluments as Chancellor of the Irish Exchequer, one of the Lords of the Treasury, &c. &c. your ambition and avarice are not yet satisfied, but you must usurp the place occupied by your late master, and thus promulgate your arrogant expectancy of becoming the prime minister of the British empire! And what can inspire you with such presumptuous notions? What services did either your father or yourself ever render to the country? Where are your talents, qualifications, or pretensions of any kind? Not even as an orator are you sufficiently respectable to make a tolerable figure in a common spouting club or debating society: and if

you possess any literary abilities, of these the public has never had a specimen. The late dean of Christ Church speaking of your father to one of his royal pupils, made use of this remarkable expression, "that he was the most illiterate, ignorant fellow he ever met with, and consequently could not be fit either for law or politics, or even for common business."

It now remains to be seen, Sir, whether the people of Great Britain and Ireland, with this knowledge of your genuine character, will suffer such a profligate upstart to *lord* it over them with patience. It remains to be seen whether they will applaud the selection of a needy political adventurer to fill some of the highest and most lucrative offices in the state; whether they will judge that the financial concerns of an essential portion of the empire might not have been committed to abler or purer hands than those of one,

whose nights are devoted to the *gaming-table*, where he scruples not to stake all that he is worth in the world—of one with whom "vows false as dicers' oaths" are common as the air he breathes, and who laughs at the most sacred obligations—of one who, though young in years, is old in guilt—of the perpetrator of a crime for which our language has no name—of the self-convicted, the deliberate destroyer of his own unborn—Do you start, Sir, at this picture? You perceive then some traits of resemblance; you feel how odious, how horrible the original must be. You are conscious that you have deserved exaltation, but exaltation of a very different kind from that which you have received. I would in charity advise you instead of vainly obtruding yourself upon the public notice, instead of proudly aspiring to those distinctions which are the legitimate portion of merit or talents alone, and whose

lustre would but render your blackness the more conspicuous, to shrink into the obscurest corner of your native island, and there let your person and your infamy be buried in everlasting oblivion.

THE END.

W. Mitchell, Printer, Shire lane, Temple Bar, London.